CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES — Meeting minutes of May 24, 2022
COMMUNICATIONS
CITIZEN COMMENTS

OLD BUSINESS

1. **PSP-04-21: Lot 53 on Oxford Road – The Ivy**: Site Plan for Phase II of the approved project at 2219 Coolidge for the removal of the existing parking lot and construction of two multiple family buildings with a total of 24 dwelling units and a parking lot.

NEW BUSINESS

2. **PSP-12-22: 28557 Woodward – Seven Point Provisioning Center**: Sketch Plan for the renovation of the existing building to be a retail marihuana dispensary at 28557 Woodward Avenue, Parcel #25-17-257-025, associated parking in the existing parking lot at Parcel #25-17-257-008, and proposed parking at 1299 Wiltshire Road, Parcel #25-17-257-007, and 1276 Franklin Road, Parcel #25-17-257-023.

3. **Election of Officers**

4. **Huntington Woods Master Plan Response**

LIAISON REPORTS
COMMISSIONER / STAFF COMMENTS
ADJOURN

Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk. The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling: City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

You can watch the meeting on Channel 10 for both Comcast and WOW, at [http://www.youtube.com/CityofBerkley](http://www.youtube.com/CityofBerkley) or [http://www.berkleymich.org/livestream](http://www.berkleymich.org/livestream).
THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:01 PM, MAY 24, 2022 AT BERKLEY CITY HALL BY CHAIR KRISTEN KAPELANSKI.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city’s government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city’s YouTube channel: https://www.youtube.com/user/cityofberkley.

PRESENT:

Kristen Kapelanski
Joe Bartus
Greg Patterson
Julie Stearn
Lisa Kempner

ABSENT:
Daniel Petrosky (Unexcused; pending resignation)
Shiloh Dahlin (Excused)
Mark Richardson (Excused)

ALSO, PRESENT:
Megan Masson-Minock, Interim Community Development Director
Ross Gavin, City Council Liaison
Bill Scarmearas, 1878 Rosemont, Berkley
Aaron Geyer, 1722 Roszel, Royal Oak
Aric Klar, 637 Overbrook, Bloomfield Township
Michael Klar, 5071 Village Place, West Bloomfield Township

Motion by Commissioner Patterson to excuse the absences of Commissioner Dahlin and Commissioner Richardson. Motion supported by Commissioner Stearn.

Voice Vote to approve the absences of Commissioner Dahlin and Commissioner Richardson.

AYES: 5
NAYS: 0
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

* * * * * * * * *

APPROVAL OF AGENDA

Motion by Commissioner Kempner to approve the agenda supported by Commissioner Patterson. With clarification from Interim Community Development Director Masson-Minock stating under new business item one, the “on behalf” individuals stated after that has changed based on a request from the applicant.

Voice vote to approve the agenda

AYES: 5
NAYS: 0
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

* * * * * * * * *

APPROVAL OF THE MINUTES

Motion by Commission Kempner to approve the minutes from the regular Planning Commission meeting on April 26, 2022 and supported by Commissioner Bartus.
Voice vote to approve the meeting minutes on April 26, 2022.

AYES: 5
NAYS: 0
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

* * * * * * * * *

COMMUNICATIONS

Community Development Department Report
Emails from Mr. & Mrs. Scarmeas on Lume
Email from Scott Gordon on Quality Roots

* * * * * * * * *

CITIZEN COMMENTS

Robert Rivait, 4292 Ellwood - Addressed the Planning Commission on an Airbnb that is next to his property. Mr. Rivait stated that last month in April nine people were killed in an Airbnb. He stated that the Airbnb next to his house is a party house. Mr. Rivait stated the garbage has been constant and all over his yard. Across the country, they are trying to curtail or ban Airbnb’s because they are taking always from our kids and the schools, the crime has increased tremendously with Airbnb’s. You do not know who your neighbor is going to be and Mr. Rivait stated that they are parking in front of his garage/driveway.

* * * * * * * * *

OLD BUSINESS

NONE

* * * * * * * * *

NEW BUSINESS

1. **PSP-03-22: 1949 Twelve Mile - Lume:** Christopher Enright, on behalf of Attitude Wellness LLC and Monarch Acquisitions LLC, 1949 Twelve Mile Rd., Parcels #25-17-126-002 and #25-17-126-003, is requisition site plan approval for the conversion of 6,764 square feet of the existing building to a retail marihuana dispensary and office use for the remaining 17,677 square feet.

Interim Community Development Director Masson-Minock provided an overview of this applicant and highlights from the review letter with five suggested conditions of approval.

**APPLICANT PRESENTATION**

Chris Enright
Christopher Enright Architects PC
628 E Parent Ave #106, Royal Oak, MI 48067

Mr. Enright clarified the changes that were made based on the discussion from when the sketch plan was before the Planning Commissions. Mr. Enright stated the plans with the most current submission include the entire parking lot.
PUBLIC COMMENT

Bill Scarmeas, 1878 Earlmont - Stated his objection on the dispensary location on 1949 Twelve Mile road. Mr. Scarmeas stated that his first concern is that this property backs up residents on Rosemont, being too close to residents affecting the property value. The second objection is that Lume will be 1,000 ft from a pre-existing private educational facility KinderCare. He also stated his concern on parking and traffic patterns along the Brookline entrance, with close proximity to KinderCare and kids getting picked up there. Mr. Scarmeas stated that he is opposed to this and hopes that the Planning Commission takes these points into consideration while voting on the final approval.

Larry Sermo, 1890 Rosemont - Stated that he lives right next to Bill Scarmeas and addressed concerns about drainage. Mr. Sermo stated that his house on Rosemont floods every time. Mr. Sermo stated that towards the end of the summer where KinderCare and the projected project is going there was a new parking lot put in about two years ago that is uneven, can't walk in it after it rains, and wondered if that drainage is going to be addressed? Mr. Sermo stated that last year the city brought out drain cleaners and the parking lot has not had much flooding since. The drains run through Rosemont to the back of that parking lot and there is an issue there and does not want to see this project put pavers in and ultimately rip them out again. Mr. Sermo stated that since this backs up to his lot, he does not want the lights shining in his yard, if there are shields that are going on these lights. Mr. Sermo stated he is worried about through traffic and what the city is going to do, and suggested putting no thru traffic signs up.

Larry Fonz, 1908 Rosemont - Mr. Fonz questioned the installation of the fan that is going on the building, how loud are the fans going to be, does it generate electricity?

Interim Community Development Director Masson-Minock addressed the question on lighting concerns from public comment.

Mr. Enright clarified the questions on the wind turbine as well as the drainage on Twelve Mile with parking and the sidewalk. Mr. Enright stated that since they will be changing the use and voluntarily making changes to the exterior of the site, it triggers the requirement that the entire property has to be brought up to current drainage standards. The drainage and parking will be improved.

Interim Community Development Director Masson-Minock included that there was a concern about the existing pipe lead. From HRC there was a requirement to have the sanitary lead inspected and video footage submitted to the city verifying the lead is suitable for reuse. The lead is suitable for use. Mr. Enright stated that the lead inspected was a sanitary sewer lead but the storm sewer pipe on site would be replaced.

The Planning Commission determined that the landscaping is adequate and meets the standards.

Commissioner Bartus stated that the shared parking agreement is something the city attorney would follow up with. The parking calculations look fine, and adequate for future use. He also addressed the RCOC permit on Twelve Mile. Commission Bartus also addressed two other items that will come later in the process of the application.

Commissioner Stearn asked Mr. Enright on clarification on the traffic pattern, arrows that are presented, stating that it is not wide enough for two cars and wants to ensure that Mr. Enright is going to have proper signage so people are not driving the wrong way.

Mr. Enright clarified and explained the intention and plan with the way the parking is and how the parking and traffic pattern will theoretically work.

Commissioner Stearn recommended a do not enter sign to help mitigate the traffic pattern.
Motion by Commissioner Kempner to approve application PSP 03-22; with the condition that the applicant work with the City to work on signage for the alley direction and the items mentioned in the staff cover letter dated May 19, 2022, and a finding that the landscaping meets the site plan approval standards of Section 130-37 of the Zoning Ordinance. The motion was supported by Commissioner Bartus.

AYES: Patterson, Stearn, Bartus, Kempner, Kapelanski
NAYS: NONE
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

2. **PSP-09-22: 3916 W. Eleven Mile - Quality Roots:** John Vitale, on behalf of L & L Development LLC, 3916 W. Eleven Mile Rd., Parcels #25-18-353-030 and #25-18-353-027, is requesting site plan approval for the renovation of the existing building to a retail marihuana dispensary and office tenant space.

Interim Community Development Director Masson-Minock provided an overview of the proposed renovation of the existing multi-unit tenant building on 3316 W Eleven Mile. Interim Community Development Director Masson-Minock stated specific details that are presented in the application, wanting more clarification on some things that were in the application. There were multiple comments from DPW, but can be taken care of in between site plan and the pre-construction meeting. Interim Community Development Director Masson-Minock stated what needed to be discussed by the Planning Commission.

**APPLICANT PRESENTATION**

Michal Klar       Andrew Danaher, Architect
Vice president, Co-founder of Quality Roots Stucky-Vitale Architects

Mr. Danaher clarified the comments that were presented from Interim Community Development Director Masson-Minock. Mr. Danaher explained the lighting concerns, trash and storage, the windmill, permeable pavers, and landscaping.

**PUBLIC COMMENT**

Email from Scott Gordon, 1760 Thomas - in favor of this particular project.

Commissioner Kempner asked Mr. Danaher about the back-parking area and landscaping aspect of the design. Mr. Danaher explained that there is no additional parking proposed in this site plan anymore. It is being proposed as the parking presents itself today. They are only requesting to make the alley bigger. Mr. Klar stated that the extra six spots are not a need, but would be utilized as employee parking, asking about it now because to go back in to add those six spots it would be very costly.

The Planning Commission agreed that they would rather see more landscaping than parking in the back area.

There was also discussion with Mr. Danaher, Interim Community Development Director Masson-Minock and the Planning Commission about the neighboring building, conversations with the property owner, and the potential future use of that building with the limited parking on-site and current zoning.

The Commission discussed with Mr. Danaher and Mr. Klar about the permeable pavers, and snow removal. The Planning Commission determined that the landscaping is adequate and meets the standards.
Motion by Commissioner Bartus to approve application PSP 09-09-22 subject to the recommendations in the staff letter dated May 19, 2022, and a finding that the landscaping meets the site plan approval standards of Section 130-37 of the Zoning Ordinance. The motion was seconded by Commissioner Stern.

AYES: Kempner, Patterson, Stearn, Bartus, Kapelanski
NAYS: NONE
ABSENT: Dahlin, Petrosky, Richardson

MOTION CARRIED

*LIAISON REPORT*
Commissioner Kempner reported that the DDA is focused on trying to reopen or add some more crosswalks especially across Coolidge. The DDA is trying to get the Coolidge Task Force to meet to give recommendations so they can go to the City Council.

Events that are happening in June are Ladies Night Out on June 2nd from 5 p.m. to 9 p.m., Art Bash on June 11th from 10 a.m. to 6 p.m., and the Pride Block Party at Robina North, on June 26th from 12 p.m. to 4 p.m.

Commissioner Bartus asked Commissioner Kempner on what the DDA is looking to install on the crosswalks, flashing lights? Commissioner Kempner stated that they are looking for signs right now then reactivating the lights that Berkley does have right now.

*COMMISSIONER COMMENTS*
Commissioner Patterson stated that from the last meeting he was stunned that Commissioner Smith had stepped down. Commissioner Patterson gave a huge thank you to Commissioner Smith’s multiple decades of service, wealth of knowledge, and it was always an asset to have him on the Commission.

*STAFF COMMENTS*
Interim Community Development Director Masson-Minock clarified that with the pending resignation of Dan Petrosky, the Planning Commission has seven members, and per the bylaws they need to have five for quorum, so their presence is essential. She thanked the members of the Commission that were there today.

Interim Community Development Director Masson-Minock also told the Commission to please let staff know if they know anyone who would serve well on the planning commission because of the vacancies. The City Council looks at appointments in June and training and attendance.

Interim Community Development Director Masson-Minock also stated to let staff know of any comments for Huntington Woods Master Plan. There will be a write up with a review for the packet on June 7th. At that meeting, the Commission will have a sketch plan for the proposed Seven Point Provisioning Center and The Ivy has resubmitted plans.

ADJOURNMENT
Motion to adjourn by Commissioner Kempner supported by Commissioner Patterson.

Voice vote for adjournment

AYES: 5
NAYS: 0
ABSENT: Dahlin, Petrosky, Richardson

*With no further business, the meeting was adjourned at 8:13 p.m.*
APPLICATION FOR SITE PLAN REVIEW

NOTICE TO APPLICANT: Applications for Site Plan review by the Planning Commission must be submitted to the City of Berkley Building Department in substantially complete form at least 30 days prior to the Planning Commission’s meeting at which the application will be considered. The application must be accompanied by the data specified in the Zoning Ordinance, including fully dimensioned site plans, plus the required review fees.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

TO BE COMPLETED BY APPLICANT:

I (We), the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

Project Name: The IVY
Applicant: DePore Building LLC (Tom DePore)
Mailing Address: 
Telephone: 
Email: 

Property Owner(s), if different from Applicant: 2219 Coolidge LLC
Mailing Address: 
Telephone: 
Email: 

Applicant’s Legal Interest in Property: Construct a multi-family development and associated site improvements

LOCATION OF PROPERTY:

Street Address: Oxford Road - West of 2219 Coolidge Highway
Nearest Cross Streets: Oxford Road & Coolidge Highway
Sidewell Number(s): 25-18-431-030

Updated 02.21.2021
PROPERTY DESCRIPTION:
Provide lot numbers and subdivision: Part of Lots 53 & 64, Denler Acres

Property Size (Square Feet): ±39,248 (Acres): 0.901

EXISTING ZONING DISTRICT (please check):

☐ R-1A ☐ Local Business ☐ Coolidge
☐ R-1B ☐ Office ☐ Downtown
☐ R-1C ☐ Community Centerpiece ☐ Industrial
☐ R-1D ☐ Woodward ☐ Cemetery
☐ RM ☐ Eleven Mile ☐ Parking
☐ RMH ☐ Twelve Mile

Present Use of Property:
Vacant Lot

Proposed Use of Property:
Multi-family Apartment / Townhomes

Is the property located within the Downtown Development Authority? ☐ Yes ☐ No

PROJECT DESCRIPTION:
Proposed two (2) - three (3) story apartment buildings (±10,600 SF footprint) with associated parking lot, landscaping, & lighting improvements

Does the proposed project / use of property require Special Land Use approval? ☐ Yes ☐ No

Does the proposed project require Variance(s) from the Zoning Board of Appeals? ☐ Yes ☐ No

If yes, please describe Variances required:
Height Variance of 4 FT is being requested for the parapet to screen rooftop equipment.

Proposed height = 34 FT; Required = 30 FT
PLEASE COMPLETE THE FOLLOWING CHART:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Number of Units</th>
<th>Gross Floor Area</th>
<th>Number of Parking Spaces On Site</th>
<th>Number of Employees on Largest Shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Residential</td>
<td>24</td>
<td>10,600 SF</td>
<td>46</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PROFESSIONALS WHO PREPARED PLANS:

A. Name: Michael Gold
   Mailing Address: [Redacted]
   Telephone: [Redacted]
   Email: [Redacted]
   Design Responsibility (engineer, surveyor, architect, etc.): Civil Engineer

B. Name: Daniel De Martinis
   Mailing Address: [Redacted]
   Telephone: [Redacted]
   Email: [Redacted]
   Design Responsibility: Architect

SUBMIT THE FOLLOWING:

1. Fifteen (15) individually folded copies of the site plans, measuring 24" x 36", sealed by a registered architect, engineer, or surveyor.
2. A pdf file of the site plans, submitted to the Community Development Director.
3. Proof of property ownership (title insurance policy or registered deed with County stamp).
4. Review comments or approval received from County, State or Federal agencies that have jurisdiction over the project, including, but not limited to:

   □ Road Commission for Oakland County
   □ MI Dept. of Transportation
   □ Oakland County Health Division
   □ MI Dept. of Environment, Great Lakes & Energy

Updated 07.01.2021
PLEASE NOTE: The applicant, or a designated representative, MUST BE PRESENT at all scheduled meetings, or the Site Plan may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a Site Plan Application or to revoke any permits granted subsequent to the site plan approval.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission and audience to be fully engaged so they can give your project the attention it deserves. Planning Commission meetings are recorded and televised.

PROPERTY OWNER’S APPROVAL: (Initial each line)

[Signature] I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above-referenced property.

APPLICANT’S ENDORSEMENT: (Initial each line)

[Signature] All information contained herein is true and accurate to the best of my knowledge.

[Signature] I acknowledge that the Planning Commission will not review my application unless all information in this application and the Zoning Ordinance has been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this site plan application.

[Signature] I hereby acknowledge that if engineering or other reviews are required, additional fees must be submitted. Should the review fees be greater than the required minimum, sufficient additional charges will be imposed to satisfy the additional review fees. All fee obligations must be satisfied prior to permit approval.

If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.
Signature of Applicant

Tom DePace

Applicant Name (Print)

Signature of Applicant

Date

Applicant Name (Print)

Signature of Property Owner Authorizing this Application

Steve Friedman

Property Owner Name (Print)

Date

OFFICE USE ONLY

Received ____________ Receipt # ____________ Meeting Date ____________ Case # ____________

Fees:

Site Plan Review $600
Façade Change: $200
Revision: $300
Extension $200
Engineering: Multi-family $1,500 + $30/unit
Commercial $1,000
Escrow (New construction) $1,000
EXHIBIT “B” - STORM WATER MANAGEMENT SYSTEM LONG-TERM MAINTENANCE PLAN

A. Physical Limits of the Storm Water Management System
The storm water management system (SWMS) subject to this long-term maintenance plan (Plan) is depicted on Exhibit A to the permit and includes without limitation the storm sewers, swales, catch basins, manholes, inlets, manufactured treatment system, detention basin, flow restrictor structure and outlet pipe that conveys flow from the detention basin into the Oxford Road storm system. For the purposes of this plan, this SWMS and all of its components as shown in Exhibit A is referred to as “The Ivy Residential Community SWMS”.

B. Time Frame for Long-Term Maintenance Responsibility
2219 Coolidge, LLC is responsible for maintaining The Ivy Residential Community SWMS including complying with applicable requirements of the local or Oakland County soil erosion and sedimentation control program until Oakland County releases the construction permit. Long-term maintenance responsibility for The Ivy Residential Community SWMS commences when defined by the maintenance permit issued by the County. Long-term maintenance continues in perpetuity.

C. Manner of Insuring Maintenance Responsibility
The City of Berkley has assumed responsibility for long-term maintenance The Ivy Residential Community SWMS. The resolution by which The City of Berkley has assumed maintenance responsibility is attached to the permit as Exhibit C. 2219 Coolidge, LLC, through a maintenance agreement with the City of Berkley, has agreed to perform the maintenance activities required by this plan. The City of Berkley retains the right to enter the property and perform the necessary maintenance of The Ivy Residential Community SWMS if 2219 Coolidge, LLC fails to perform the required maintenance activities.

To ensure that The Ivy Residential Community SWMS is maintained in perpetuity, the map of the physical limits of the storm water management system (Exhibit A), this plan (Exhibit B), the resolution attached as Exhibit C, and the maintenance agreement between the City of Berkley and the property owner will be recorded with the Oakland County Register of Deeds. Upon recording, a copy of the recorded documents will be provided to the County.

D. Long-Term Maintenance Plan and Schedule
Table 1 identifies the maintenance activities to be performed, organized by category (monitoring/inspections, preventative maintenance, and remedial actions). Table 1 also identifies site-specific work needed to ensure that the storm water management system functions properly as designed.

<table>
<thead>
<tr>
<th>MAINTENANCE ACTIVITIES</th>
<th>SYSTEM COMPONENTS</th>
<th>FREQUENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspect for Sediment Accumulation/Clogging</td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>Annually</td>
</tr>
<tr>
<td>Inspect For Floatables, Dead Vegetation &amp; Debris</td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>Annually &amp; After Major</td>
</tr>
<tr>
<td>Inspect For Erosion And Integrity of System</td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>Annually &amp; After Major</td>
</tr>
<tr>
<td>Monitor Plantings/Vegetation</td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>2 Times per Year</td>
</tr>
<tr>
<td>Monitor All Components During Wet weather &amp; Compare to As-Built Plans</td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>Annually</td>
</tr>
<tr>
<td>Ensure Maintenance Access Remain Open/Clear</td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>Annually</td>
</tr>
<tr>
<td>Mowing</td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>As Needed</td>
</tr>
<tr>
<td>Remove Accumulated Sediments</td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>As Needed (See Note Below)</td>
</tr>
<tr>
<td>Remove Floatables, Debris, Invasive &amp; Dead Vegetation</td>
<td>Storm Collection System (Sewers, Swales, Catch Basins, Manholes)</td>
<td>As Needed</td>
</tr>
<tr>
<td>Replace or Wash &amp; Reuse risers stone filters</td>
<td>Paved Areas</td>
<td>As Needed</td>
</tr>
<tr>
<td>Sweeping of Paved Surfaces</td>
<td>Paved Areas</td>
<td>As Needed</td>
</tr>
<tr>
<td>Repair/Stabilize Areas of Erosion</td>
<td>Paved Areas</td>
<td>As Needed</td>
</tr>
<tr>
<td>Replace Dead Plantings &amp; Reseed Bare Areas</td>
<td>Paved Areas</td>
<td>As needed</td>
</tr>
<tr>
<td>Structural Repairs</td>
<td>Paved Areas</td>
<td>As Needed</td>
</tr>
<tr>
<td>Make Adjustments/Repairs to Ensure Proper Functioning</td>
<td>Paved Areas</td>
<td>As Needed</td>
</tr>
</tbody>
</table>

PROJECT: The Ivy & The Berkley – Proposed Residential Community
2219 Coolidge Hwy.
City of Berkley
Oakland County, Michigan

PROPERTY OWNER: 2219 Coolidge, LLC
6400 Telegraph Road, Suite 2500
Bloomfield Hills, Michigan 48301

ENGINEER: Stonefield Engineering & Design, LLC
607 Shelby, Suite 200
Detroit, Michigan 48226
Phone: (248) 247-1115
www.stonefieldeng.com

DATE: 05/16/2022

SHEET 1 OF 1
THE CONTRACTOR IS TO INSTALL "FINGER" OR "STUB" DRAINS PER THE GEO TECHNICAL INVESTIGATION REPORT AT ALL CATCH BASINS, MANHOLES, AND BEHIND CURB OF LANDSCAPE ISLANDS.

STORMWATER DETENTION PROVIDED WITHIN "THE BERKLEY" UNDERGROUND DETENTION BASIN. THIS DEVELOPMENT HAS BEEN DENOTED AS FUTURE PHASE 2 AND A DRAINAGE AREA OF 34,007 SF WITH A 0.83 C-VALUE. "THE BERKLEY" STORMWATER DRAINAGE & MANAGEMENT PLANS HAVE BEEN INCLUDED WITHIN THIS PLAN SET AS REFERENCE.
PHASE 1 - RESIDENTIAL DEVELOPMENT AREA

PLANT SCHEDULE

<table>
<thead>
<tr>
<th>Code</th>
<th>Plant Type</th>
<th>Botanical Name</th>
<th>Common Names</th>
<th>Size</th>
<th>Container</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Trending Trees</td>
<td>Medium Oak</td>
<td>Medium Oak</td>
<td>2&quot;</td>
<td>CALB &amp; B</td>
<td>NATIVE</td>
</tr>
<tr>
<td>2</td>
<td>Evergreen Trees</td>
<td>Thuja Occidentalis 'Smaragd'</td>
<td>Emerald Green Arborvitae</td>
<td>5'</td>
<td>B&amp;B NOT NATIVE</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Shrubs</td>
<td>Rosa Carolina</td>
<td>Carolina Rose</td>
<td>24&quot; - 30&quot;</td>
<td>POTNATIVE</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Grasses</td>
<td>Potentilla Fruticosa</td>
<td>Bush Cinquefoil</td>
<td>24&quot; - 30&quot;</td>
<td>POTNATIVE</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Perennials</td>
<td>Coreopsis Lanceolata</td>
<td>Lance Leaf Tickseed</td>
<td>1 gal. POT</td>
<td>Nativ</td>
<td></td>
</tr>
</tbody>
</table>
Know what's below. Call before you dig.

TOPOGRAPHIC SURVEY

LEGEND

GENERAL NOTES

1. ALL CONSTRUCTION PROCEDURES AND WORKING STANDARDS SHALL BE IN THE CURRENT EDITIONS AND SPECIFICATIONS OF THE WATER RESOURCES COMMISSIONER’S OFFICE.

2. THE CONTRACTOR SHALL PROVIDE A WRITTEN CONTRACT WITH THE OWNER’S REPS. PRIOR TO THE BEGINNING OF WORK, A COPY OF THE CONTRACT SHALL BE SUBMITTED TO THE LOCAL WATER RESOURCES COMMISSIONER.

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4. ALL WORK SHALL BE PERFORMED IN CONFORMITY WITH THE SPECIFICATIONS AND STANDARDS OF THE WATER RESOURCES COMMISSIONER’S OFFICE.

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The regular meeting of the Berkley City Planning Commission was called to order at 7:00 PM, April 26, 2022 at Berkley City Hall by Chair Kristen Kapelanski.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city’s government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city’s YouTube channel: https://www.youtube.com/user/cityofberkley.

Present: Kristen Kapelanski, Martin Smith, Joe Bartus, Lisa Kempner, Greg Patterson, Julie Stearn, Mark Richardson, Shiloh Dahlin

Absent: Daniel Petrosky (Excused)

Also, present: Megan Masson-Minock, Interim Community Development Director, Matthew Baumgarten, City Manager

Motion by Commissioner Patterson to excuse the absence of Commissioner Petrosky. Motion supported by Commissioner Stearn.

Voice Vote to approve the absence of Commissioner Petrosky.

AYES: 8
NAYS: 0
ABSENT: Petrosky

MOTION CARRIED

Approval of Agenda

Motion by Commissioner Kempner to approve the agenda supported by Commissioner Bartus.

Voice vote to approve the agenda

AYES: 8
NAYS: 0
ABSENT: Petrosky

MOTION CARRIED

Approval of the Minutes

Motion by Commission Kempner to approve the minutes from the regular Planning Commission meeting on March 22, 2022 and supported by Commissioner Patterson.

Voice vote to approve the meeting minutes on March 22, 2022.

AYES: 8
NAYS: 0
ABSENT: Petrosky

MOTION CARRIED
COMMUNICATIONS
Community Development Department Report
Emails on Marihuana used in packet
Email from Chuck Tyrell on Lot 53 on Oxford Road
Notification from Huntington Woods with their Master Plan process

CITIZEN COMMENTS
NONE

OLD BUSINESS

1. DDA Guidelines: Review of ordinance language to implement the DDA guidelines, based on March 1, 2022 Work Session.

Interim Community Development Director Masson-Minock reviewed each item with context for the Planning Commission

The Planning Commission discussed various questions and suggestions. They felt comfortable with some of the items moving forward for a public hearing and other items needed to be discussed further at a future work session.

2. Capital Improvements Plan: Presentation and discussion of the proposed Berkley Capital Improvement Plan by City Manager Matt Baumgarten.

City Manager Matt Baumgarten discussed with the Planning Commission that the CIP requires approval from both the Planning Commission and the City Council to get adopted into the fiscal year budget.

City Manager Matt Baumgarten presented the draft Capital Improvement Plan with the changes from the last discussion and Commissioners asked questions related to the proposed CIP

Motion by Commissioner Richardson to approve the City of Berkley 2022-2029 Capital Improvement Plan. Motion supported by Commissioner Kempner.

AYES: Bartus, Dahlin, Kempner, Patterson, Stearn, Richardson, Smith, Kapelanski
NAYS: NONE
ABSENT: Petrosky

MOTION CARRIED

NEW BUSINESS

1. PSP-04-21: Lot 53 on Oxford Road - The Ivy: Site Plan for Phase II of the approved project at 2219 Coolidge for the removal of the existing parking lot and construction of two multiple family buildings with a total of 24 dwelling units and a parking lot.

Interim Community Development Director Masson-Minock gave a presentation and overview of the Phase I and highlighted points of information to look at for Phase II and the four terms recommended as conditions for approval.
APPLICANT PRESENTATION
Brad Freeman
Project Manager
John DePorre
DePorre Building, LLC

Mr. Freeman, addressed the overall concerns that were recommended to them by staff in the staff review.

Mr. DePorre stated that he spoke with former Community Development Director Erin Schlutow about design and keeping it within the ordinances. Mr. DePorre also asked for clarification from the Carlisle Wortman letter.

Michael Gold
Stonefield Engineering
Civil Engineer

Mr. Gold explained the decision on parking spaces on this site. The applicants discussed green space and pavement with Chair Kapelanski.

PUBLIC COMMENT
Eric Wheeler, 2679 Oxford - Stated that his concern here is having a big impact on residents on that street with traffic and noise. He stated that people divert and travel on Kipling which tends to upset those residents. He suggested that the Commission wait and see what the finished development with the school is going to be. If the result is detrimental, it will result in unhappy residents.

Chair Kapelanski stated that this is a permitted use, and provided that the applicant meets all the requirements the Commission as a body has to approve them, taking in and working with them on tweaks and alterations to address resident and city concerns.

Chris Lattin, 2735 Oxford - Stated that his concern is the increased volume of traffic. This is all being funneled on one access point on Oxford, causing traffic in the neighborhood. He also stated the infrastructure is a dated combined sewage and storm system and will it be able to handle the additional volume getting added to it. Also, will there be a traffic study done on this site?

John Paradise, 2750 Oxford - Stated that he has concerns on the traffic standpoint and knowing where the playground area is with no stop sign. Cars are going through that area at higher rates of speed and can see people cutting through that area.

Pat Meslowsky, 1829 Kipling - Questioned if there is not an exit for those cars to leave on Harvard. She also stated that traffic goes fast on Kipling and if there was an exit on Harvard it would seem that traffic would turn left and go to the light.

Email correspondence from Chuck Tyrell - concerns were centered around how this proposal differs from previous proposals that were talked about for this site, parking was a concern, access by emergency vehicles, context with surrounding neighborhood, and storm and waste drainage.

Chair Kapelanski addressed the questions that were mentioned in public comment and offered a suggestion of an easement to the applicants.

There was discussion with the Commission and applicants on traffic, infrastructure on the storm water detention, access points, additional green space, and parking spaces.

The Commission discussed pedestrian circulation and how to make it less awkward with the sidewalk connections and parking spaces with the applicant.

The Commission discussed the dumpsters that are proposed for this site with the applicant, and suggested the moving of dumpsters or having one dumpster instead of two.

Interim Community Development Director Masson-Minock reiterated to the Commission that they have the authority to grant or deny the requested modification based on finding factors she stated.
The Commission stated to the applicants that they can lose five parking spaces and add bike racks from the current plan and specific areas to add greenery.

There was more discussion amongst the Commission and applicants about designs of the building, open stairwells, sidewalks, and the storm water detention system.

Motion to postpone PSP-04-21 by Commissioner Kempner supported by Commissioner Richardson

AYES: Bartus, Dahlin, Kempner, Patterson, Stearn, Richardson, Smith, Kapelanski
NAYS: NONE
ABSENT: Petrosky

* * * * * * * * *

2. **PSP-05-22: 2576 Coolidge Highway - BP America**: Site Plan for a new canopy, parking reconfiguration, pump island reconfiguration, new landscaping and building facade improvements of the existing gasoline station.

Interim Community Development Director Masson-Minock provided an overview for the application and details for a non-conforming use. The applicant is not increasing the intensity of the use or increasing any dimensional non-conformity. If the Planning Commission grants site plan approval there are seven items in the staff review that would need to be included as conditions.

**APPLICANT PRESENTATION**

<table>
<thead>
<tr>
<th>Jason Yaldoo</th>
<th>Catie Schmitz</th>
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<tbody>
<tr>
<td>Owner of the BP gas station</td>
<td>JSN Architecture</td>
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</table>

Mr. Yaldoo stated that the goal of this is to make the gas station a nice place for the community. With the development of the plaza in front of the gas station, this upgrade hopes to bring back business.

Ms. Schmitz stated that there is agreement on everything in the review letter except for the extending or adding of a stone base to the canopies. Ms. Schmitz stated that it would be a waste of money the way the poles are designed and provided an overview of how the canopies are designed for the space.

**PUBLIC COMMENT**

NONE

The Commissioners provided feedback on the base of the canopy, agreeing that adding masonry on the bottom should not be required.

The Commissioners asked specific questions pertaining to the placement of pumps, canopies, and drives of this site. The Commissioners also discussed with the applicant about the separation between sidewalk and road, for safety concerns of pedestrians and cars, suggesting an easement or a mountable curb. There was also discussion on other landscaping options for this site and retaining the landscape island along Coolidge.

Motion by Commissioner Patterson to approve PSP-05-22 with support from Commissioner Kempner with conditions that:

1. Items 1-7 noted in the staff letter dated April 21, 2022
2. Retain the landscape island on Coolidge
3. Define sidewalks on Catalpa with clear demarcation, such as a mountable curb with distinguishing concrete or a rock garden with perennials
4. Provide planters as can be maintained by the gas station staff
5. Dimensions of the canopy are specified on revised plans
6. Decorative block matching the building on the outside of the dumpster enclosure
AYES: Bartus, Dahlin, Kempner, Patterson, Stearn, Richardson, Smith, Kapelanski
NAYS: NONE
ABSENT: Petrosky

* * * * * * * *

LIAISON REPORT
Commissioner Patterson stated that Parks and Recreation is hosting a fundraiser for Jaycee park, for an all-inclusive park. If the city raises $50,000 the State of Michigan will match that. Commissioner Patterson thanked the businesses that donated to the cause already.

* * * * * * * *

COMMISSIONER COMMENTS
Commissioner Richardson thanked Carlisle Wortman for the proposed ordinance amendment language and was impressed with the body of work it presented.

Commissioner Smith stated that he will be resigning after the end of this meeting. After 22 years, he will be resigning from the board. The Commissioners gave their appreciation to Commissioner Smith and all the work he did on the board for 22 years.

* * * * * * * *

STAFF COMMENTS
Interim Community Development Director Masson-Minock discussed with Commissioners and asked for their input on the next two meetings, what the agenda would look like, and changing a work session into a meeting with the amount of agenda items that were submitted on Tuesday, April 26th.

* * * * * * * *

ADJOURNMENT
Motion to adjourn by Commissioner Kempner supported by Commissioner Stearn.

Voice vote for adjournment

AYES: 8
NAYS: 0
ABSENT: Petrosky

With no further business, the meeting was adjourned at 10:45 p.m.
MEMORANDUM

To: Planning Commission
From: Megan A. Masson-Minock, Interim Community Development Director
Subject: PSP-04-21: Lot 53, Oxford Road – The Ivy Site Plan Approval
Plan Date: May 16, 2022
Date: May 31, 2022

At the Planning Commission’s April 26, 2022 meeting, the Planning Commission postponed this case with the following requests in italics font to be fulfilled in a resubmittal (regular font indicates how the request was addressed in revised plans):

1. **Access easement for vehicles to Harvard to allow access to the south.**
   Done. Access easement to the south shown. All easements will need to be approved by the City Attorney and recorded with Oakland County.

2. **Shorten the parking spaces to 18 feet where allowed by the Zoning Ordinance and add green space on the site.**
   Done. Along the western property line the applicant has added a screen of arborvitae in front of the masonry wall with the additional space. They have also increased the number of plantings around the buildings.

3. **Planning Commission committed to a 10 percent parking reduction, asking the applicant to use the decrease of 5 parking spaces to increase the green space on the site.**
   Done. Forty-one (41) parking spaces are proposed on the site. The Planning Commission will need to approve the waiver as part of any motion to approve.

4. **Improve the pedestrian circulation with a sidewalk around the buildings and better connections to the sidewalks adjacent to the site, including those surrounding the church to the south. To accommodate the sidewalk around the buildings, the buildings may be reoriented to mirror one another so that patios are on the same side of both buildings. Striping or concrete variation may be used in parking lot to designate areas for pedestrian routes.**
   Done. The buildings have been reoriented to mirror one another and a direct sidewalk/pedestrian connection from the sidewalk on Oxford Road to the site. No striping or concrete variations are proposed in the parking lot to designate pedestrian routes.
5. *Consolidate the proposed dumpsters to a single dumpster in the middle of the site.*
   Done. A single dumpster is proposed near the western property line.

6. *Plant a tree in the parking lot island in the southeast corner where the dumpster is to be removed from.*
   Done. A willow oak is proposed to be planted in that location.

7. *Native species are encouraged in the landscaping.*
   Done. The following are native species according to [Michigan Native Plants Database](http://example.com): Emerald Green Arborvitae, Bush Cinquefoil, Shenandoah Switch Grass, Pennsylvania Sedge, Butterfly Milkweed, and Lanceleaf Tickseed.

8. *Sample board to be brought to next Planning Commission review.*
   A sample board was not submitted but is expected for the Planning Commission meeting.

Attached are the following reviews for the site plan submitted:

**Planning Review from Carlisle Wortman Associates (CWA) dated May 26, 2022**

CWA recommended approval of the site plan with conditions. The review deferred to the Fire Department, Department of Public Works and the City Engineer (HRC) on whether access and circulation were sufficient.

The review noted that the Planning Commission should:

- Review the landscaping.

CWA recommended the following conditions of site plan approval:

- Review of access and circulation by City Fire Marshall and City Engineer, HRC;
- Amended Landscape Plan, if necessary, based on Planning Commission review.

**Review from City of Berkley Department of Public Works (DPW) dated May 27, 2022**

DPW noted that the drawings are in substantial compliance with their previous comments. They asked that the following items be provided to the Community Development Department prior to a preconstruction meeting:

1. A plan approval letter from the City's engineering consultant, Hubbell, Roth & dark (HRC).
2. An EGLE PA 399 water main permit is required for the new public main.
3. City of Berkley Material Specifications to be attached to sheet C-7.

4. Any existing private sanitary leads within the Oxford Road frontage of Lot 53 must be identified on the demolition plan (sheet C-3) with a proper disconnection made within 24" of the public sewer. This work will impact the roadway and traffic control plans.

5. A traffic control plan shall be added to the plan set to account for the proposed work on both Coolidge and on Oxford.

6. A construction schedule shall be provided with dates and durations of all major work items, including final restoration.

7. Bonding (Performance, Labor & Material and Maintenance & Guarantee) and escrow requirements will be outlined by HRC. All of the bonds and the construction escrow must be posted with the City.

8. Electronic as-built drawings will be required following the utility installations.

Review from Hubbell, Roth & Clark (HRC) dated April 11, 2022

On May 31, 2022, we received an e-mail from HRC stating that, as per their previous review letter dated April 11, 2022, they recommended approval of the plans subject to any applicable permits and shop drawings being submitted to the City prior to construction. The Planning Commission should note the following requested plan revisions and permits:

1. A soil erosion permit will likely be required from the Oakland County Water Resources Commissioner (OCWRC).

2. The City may require additional sections of existing curb and gutter and sidewalks along Oxford Road to be removed and replaced as part of the proposed project in order to address any current deteriorated conditions and will defer comment to the City.

3. Detail sheets for the proposed storm sewers must be provided with structures, covers, pipe requirements/cross sections and connection/tap details in accordance with City and County Standards. In addition, shop drawings for the said appurtenances will be required to be reviewed by the City and HRC.

Review from City of Berkley Fire Inspector dated December 22, 2021

Fire Inspector Pete Kelly approved the plans with the following conditions:

1. Smoke detectors are required in each unit, per IFC #907.

2. Fire extinguishers with a minimum rating of 1A/10B/C required in each unit per IFC 906.1.

He stamped the plans dated May 16, 2022 as approved with a reference to the above review letter.
Summary and Recommendation

The Planning Commission needs to make the following determinations:

1. **Standards for Site Plan Approval - Landscaping:** The Planning Commission must determine whether the landscaping, as presented, meets the standards for Site Plan approval, per Section 138-678.

2. **Parking Requirement Modification:** Section 138-226 allows the Planning Commission to grant a parking modification up to ten percent of the total parking requirement for a particular use based on consideration of the following:
   
   a. Current or anticipated levels of employees and/or patrons;
   b. Peak period usage versus normal usage;
   c. Banked or reserved parking for future use;
   d. Opportunities to provide or accommodate green space, additional landscaping and to minimize impervious areas on the site;
   e. Provision of valet parking or other means of accommodating parking off-site that will not overburden public parking and is a reasonable alternative to on-site parking. Further, the applicant must demonstrate that such valet parking will be available for the days and times needed and will not conflict with other businesses that share the same parking facility or valet service;
   f. Neighborhood or other surrounding characteristics justify the requested deviation;
   g. Strict application of the ordinance would unreasonably hinder development of the site for a permitted use, and an alternate parking requirement would be appropriate;
   h. Modification will not negatively impact public parking in the city;
   i. Proximity of the site to local or regional transit, including but not limited to SMART bus stops, bicycle sharing stations, lite rail, etc.

   The Planning Commission had noted during the April 26, 2022 meeting that they were willing to grant the waiver based on the opportunity to provide green space and additional landscaping.

If the Planning Commission chooses to grant site plan approval, we recommend that the following items be stated as findings or conditions of approval:

1. The Planning Commission finds that the landscaping, as presented in the site plan dated as revised May 16, 2022, meet the standards for Site Plan approval, per Section 138-678.
2. The Planning Commission finds that the green space and additional landscaping, as presented in the site plan dated as revised May 16, 2022, warrants a reduction of required parking spaces of 10% or 5 parking spaces, for a total of forty-one (41) required parking spaces. The modification is contingent on the continuing multiple-family use of the property as approved. Any change in the use, scope or intensity of the property use will invoke reinstatement and application of the standard parking requirements.

3. A pre-construction meeting is required. Before scheduling of that meeting, all items listed the City’s DPW review letter, dated May 27, 2022, must be received by the City.

4. Approval from the City’s Engineer that all permits, required shop drawings or details required, as noted in their review letter dated April 11, 2022, have been met.

5. Smoke detectors are required in each unit, per IFC #907 and fire extinguishers with a minimum rating of 1A/10B/C required in each unit per IFC 906.1, per the review letter from the City’s Fire Inspector, dated December 22, 2021.

6. All easements must be approved by the City Attorney and recorded with Oakland County.
Site Plan Review
For
City of Berkley, Michigan

Applicant: 2219 Coolidge LLC

Project Name: The Ivy Apartments

Plan Date: May 16, 2022

Location: Oxford Road, west of Coolidge Highway (25-18-431-030)

Zoning: RM, Multiple Family Residential

Action Requested: Site Plan Approval

SITE DESCRIPTION

The subject site is located on Oxford Road, just west of the converted LaSalette school building. The applicant proposes to construct two (2), 3-story apartments buildings as an infill project on the former LaSalette school building parking lot. Each building is twelve (12) units, totaling twenty-four (24) apartments units. The site will be accessed via a shared drive on Oxford Road and via a cross-access with the LaSalette Church parking lot to the south.
The site is approximately 0.9 acres in area. The site is zoned RM, Multiple Family Residential and the proposed apartments are a permitted use.

**Site Location:**

Proposed Uses of Subject Parcel:
Twenty-four (24) apartment units broken into two (2) buildings of twelve (12) units each.

Current Use of Subject Property:
The subject property is currently a vacant parking lot.

Current Zoning:
The property is currently zoned RM, Multiple Family Residential

**Surrounding Property Details:**

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<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>RM, Multiple Family Residential</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>RM, Multiple Family Residential</td>
<td>Church / Parking Lot</td>
</tr>
<tr>
<td>East</td>
<td>RM, Multiple Family Residential (conditional rezoning)</td>
<td>Parking / Converted LaSalette School Building</td>
</tr>
<tr>
<td>West</td>
<td>R1-D, Single Family Residential</td>
<td>Single Family Residential</td>
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</tbody>
</table>
NATURAL FEATURES

The site has been graded for a parking lot. No natural features exist.

**Items to be addressed:** None

BUILDING ARRANGEMENT AND SITE DESIGN

The site will be accessed via a shared drive on Oxford Road and via a cross-access with the LaSalette Church parking lot to the south. The buildings are located along the eastern property line, with parking between the buildings and the adjacent single-family residential to the west.

**Items to be addressed:** None

AREA, WIDTH, HEIGHT, SETBACKS

Sec. 138-526. - Schedule of regulations of the Zoning Ordinance establishes the dimensional requirements for the RM, Multiple Family Residential District.

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<tr>
<th>Area</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
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</thead>
<tbody>
<tr>
<td>Front (Oxford Road)</td>
<td>The front yard setback shall be 25 feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater.</td>
<td>25-feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Side (east and west)</td>
<td>Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. 10-foot minimum setback plus each side yard shall be increased by one-half foot for each ten feet or part thereof by which the length of the multiple dwelling exceeds 50 feet in overall dimension along the adjoining lot line.</td>
<td>26.3 feet (one) and 107.2 feet (total)</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear (South)</td>
<td>35-foot minimum setback</td>
<td>36.1 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Building Height</td>
<td>30-feet maximum height</td>
<td>34-feet (includes 4-foot parapet)</td>
<td>Complies</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>35%</td>
<td>18%</td>
<td>Complies</td>
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</tbody>
</table>
The definition of building height in the Zoning Ordinance excludes parapet walls not exceeding four (4) feet in height from the measurement of the height of a building. Nevertheless, of particular importance is to ensure that the proposed height does not negatively impact adjacent properties. The building should be of a height that provide an appropriate transition between the three (3) story LaSalette converted school building and the one and two-story adjacent single-family homes.

The applicant has provided a 3-D model to show building in context with the surrounding properties.

**Items to be addressed: None**

### PARKING

At their April 26, 2022 meeting, the Planning Commission indicated that they would consider a ten percent (10%) parking modification. Section 13.06.G of the Zoning Ordinance requires:

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential (General): 2 spaces per unit</strong></td>
<td>24 units = 48 spaces</td>
<td></td>
</tr>
<tr>
<td><strong>Parking Credit:</strong> Bicycle parking may be used to reduce the number of required off-street parking spaces. Existing developments may elect to reduce the required off-street parking by two car parking spaces by providing four bicycle parking spaces (i.e., by installing two inverted U, loop style, or other approved style of bicycle rack).</td>
<td>- 2 spaces by providing 4 bicycle parking spaces</td>
<td>41 spaces</td>
</tr>
<tr>
<td><strong>Parking Modification:</strong> Section 138-226 allows the Planning Commission to grant a parking modification up to ten percent of the total parking requirement for a particular use</td>
<td>- 5 spaces 48 spaces x .1 = 5</td>
<td></td>
</tr>
<tr>
<td><strong>Required Parking after credit &amp; modification</strong></td>
<td>41 spaces</td>
<td></td>
</tr>
</tbody>
</table>

Carlisle Wortman Associates, Inc.
<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barrier Free</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Loading</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>41 spaces</strong></td>
<td><strong>41 spaces in surface lots</strong></td>
</tr>
</tbody>
</table>

All parking is in the surface parking lot.

**Items to be Addressed:** None

**SITE ACCESS AND CIRCULATION**

The site will be accessed via a shared drive on Oxford Road and via a cross-access with the LaSalette Church parking lot to the south. Access and circulation shall be reviewed by the City Fire Marshall and City Engineer, HRC.

The applicant is providing a direct sidewalk/pedestrian connection from the sidewalk on Oxford Road to the site, which connects to the sidewalk around the building.

**Items to be addressed:** Review of access and circulation by City Fire Marshall and City Engineer, HRC

**LANDSCAPING AND SCREENING**

A landscaping plan has been provided on sheet C-9. The applicant proposes a mix of deciduous and evergreen trees, and shrubs. As set forth in section 130-37, when the development of any property requiring site plan approval occurs, the City Planning Commission shall review landscaping plans and may require trees to be planted on or near the site consistent with the elements of the adopted city master plan.

**Masonry Screening:**
The applicant proposes a 6-foot-tall masonry screen wall along the western property line to screen the site from the adjacent single-family residential. The wall is architecturally consistent with building.

**Trash Enclosure:**
The applicant is proposing one (1) trash enclosure. The location of the trash enclosure is sufficient.

The applicant proposes to screen the dumpster with a six-foot tall enclosure and landscaping.

**Items to be Addressed:** Planning Commission to review the landscape plan
PHOTOMETRICS

A photometric plan has been provided. A total of four (4) pole mounted parking lot lights and eight (8) building light fixtures are proposed. The pole-mounted fixtures are noted as having a height of 16 feet (where the maximum height is 20 feet). Because the pole lights are adjacent to single family residential, as requested the applicant has added a shield to screening lights from residential property. The photometrics meet Zoning Ordinance requirements.

*Items to be Addressed: None*

EXTERIOR APPLIANCES

Applicant notes that mechanicals will be located on roof and screened via parapet.

*Items to be Addressed: None*

FLOOR PLAN AND ELEVATIONS

Floor plans and elevations have been provided. Materials include brick, board and batten siding, and hardie reveal panel system. The applicant has provided a color rendering of the building, and a 3-D model of the building and site to assess compatibility and the appropriate transition between the single-family to the north and west and the LaSalette buildings to the south and east.

*Items to be Addressed: None*

DESIGN STANDARDS AND SITE PLAN REVIEW STANDARDS

As set forth in Sec. 138-679. – Standards, the site plan shall be reviewed and approved by the Planning Commission upon finding that:

1. The site meets the requirements of this Code.
2. The proposed development does not create adverse effects on public utilities, roads, or sidewalks.
3. Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.
4. Site design, architecture, signs, orientation, and materials are consistent with the city's master plan objectives and the design of the neighboring sites and buildings.
5. Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.
6. Site engineering has been provided to ensure that existing utilities will not be adversely affected.

Carlsile Wortman Associates, Inc.
We find that the required standards have been met.

**Items to be Addressed:** *None.*

**SUMMARY**

The proposed development and the proposed use meet the requirements of the RM zoning district and comply with the required site plan standards.

We recommend Planning Commission approval with the following conditions:

1. Review of access and circulation by City Fire Marshall and City Engineer, HRC;
2. Amended Landscape Plan, if necessary, based on Planning Commission review.

Sincerely,

[Signature]

CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP
Transmittal Memo

To: Megan Masson-Minock, Interim Community Development Director (via email)
Cc: Kim Anderson, Community Development Department (via email)
     Ric Chalmers Asst. DPW Director (via email)
     Eddie Zmich, HRC (via email)

From: Shawn Young, DPW Director

Date: May 27th, 2022

Subject: The Ivy Apartments
        Lot 53 Oxford Road
        Plan Review #3

We have reviewed the revised site plans provided by the Community Development Department on May 19th and prepared by Stonefield Engineering & Design.

The drawings are in substantial compliance with the previous DPW comments.

The following items shall be provided to the City prior to scheduling a preconstruction meeting:

1. A plan approval letter from the City’s engineering consultant, Hubbell, Roth & Clark (HRC).

2. An EGLE PA 399 water main permit is required for the new public main. HRC will provide guidance on this multi-jurisdictional review process.

3. City of Berkley Material Specifications to be attached to sheet C-7.

4. Any existing private sanitary leads within the Oxford Road frontage of Lot 53 must be identified on the demolition plan (sheet C-3) with a proper disconnection made within 24" of the public sewer. This work will impact the roadway and traffic control plans. Pipe graph reports with tap locations were previously provided to the applicant.

5. A traffic control plan shall be added to the plan set to account for the proposed work on both Coolidge and on Oxford.

6. A construction schedule shall be provided with dates and durations of all major work items, including final restoration.
7. Bonding (Performance, Labor & Material and Maintenance & Guarantee) and escrow requirements will be outlined by HRC. All of the bonds and the construction escrow must be posted with the City.

8. Please note electronic as-built drawings will be required following the utility installations.

Please feel free to contact me with any questions or concerns.
April 11, 2022

City of Berkley
3338 Coolidge Highway
Berkley, Michigan 48072

Attention: Ms. Megan Masson-Minock, Community Development Director
Mr. Matthew Baumgarten, City Manager

Re: Proposed “The Ivy” Residential Community
Lot 53, Oxford Rd
Engineering Site Plan – Review No. 2
City of Berkley, MI

Dear Ms. Masson-Minock and Mr. Baumgarten:

As Consulting Engineers for the City of Berkley, and in accordance with your request, we have completed the Engineering Site Plan review of the proposed subject development for compliance with the City of Berkley’s engineering and site plan requirements. The plans were prepared by Stonefield Engineering and Design, LLC of Royal Oak, Michigan with a revision date of March 25, 2022. The proposed project is submitted as Phase II to the previously submitted and approved project at 2219 Coolidge Ave (“The Berkley”). The scope includes the removal of the existing parking lot in Lot 53 on Oxford Road and the construction of a new multifamily dwelling and parking lot. The site is a 0.78-acre parcel of land located on the south side of Oxford Road near Coolidge Highway. We hereby offer the following comments:

General:

1. A soil erosion permit will likely be required from the Oakland County Water Resources Commissioner (OCWRC). If a soil erosion permit is required, it must be obtained, and a copy of the approved permit provided to the City prior to commencing construction. Regardless of whether a permit is required, the City will require silt fence to be installed around the perimeter of the site, filter fabric installed in nearby catch basins, and a temporary maintenance aggregate/mud mat constructed for access to and from the proposed site. This item is still applicable.

2. The City may require additional sections of existing curb and gutter and sidewalks along Oxford Road to be removed and replaced as part of the proposed project in order to address any current deteriorated conditions and will defer comment to the City. This item is still applicable.

Water and Fire Protection Services:

1. Permits may be required from the Department of Environment, Great Lakes, and Energy (EGLE) and from OCWRC for the installation and connection of the new water main service. This item is still applicable.

2. The proposed water main along Oxford Road must be labeled to show the proposed size and length. Note that the City requires Ductile Iron Pipe, Class 54. The proposed water main has been revised. This item has been satisfactorily addressed.
3. The plans must include calculations for the new Residential Equivalent Unit (REU) value of the proposed (building) structures. These calculations must also support that the proposed water service is sufficiently sized for the new REU values. **REU values have been added to the plans that suggest the proposed water service is sufficiently sized. This item has been satisfactorily addressed.**

4. Proposed finish grades for Gate Wells and Hydrants must be provided. **Finish grades have been provided. This item has been satisfactorily addressed.**

**Storm Drainage and Detention/Sanitary Sewer:**

1. This office has conducted a review of the stormwater calculations. The plans show a proposed average runoff coefficient of 0.81. The underground detention system previously approved for “The Berkley” development, which this site drains into, was designed and approved assuming a coefficient of 0.83 for the proposed “The Ivy” development. The plans also include calculations demonstrating that the proposed stormwater pipes are sized in accordance with 10-year stormwater system design standards. As such, the system appears to be adequately sized to detain stormwater from the proposed development.

2. The plans show the proposed sewer leads connecting to the 90 inch WRC sewer. There is an existing City of Berkley combined sewer in Oxford Road that must be shown on the plans and the proposed sewer leads must connect to the City’s sewer in lieu of the WRC interceptor. **The sewer connections have been revised. This item has been satisfactorily addressed.**

3. The stormwater maintenance agreement submitted as part of “The Berkley” development does not include the proposed storm pipes and structures as part of the physical limits shown in the agreement. That agreement must be updated to include the proposed stormwater features, or a separate agreement submitted for maintenance of the proposed storm system for “The Ivy”. **The maintenance agreement for “The Berkley” has been revised to include the additional proposed storm system. This item has been satisfactorily addressed.**

4. The type of cover to be utilized on the proposed drainage structures must be indicated on the plans. Restricted covers may need to be utilized if required by the City’s DPW being that the City’s sewer system is combined. The Applicant must inquire directly with the DPW. **The City has confirmed that the Applicant will not be required to utilize restricted covers. This item has been satisfactorily addressed.**

5. Detail sheets for the proposed storm sewers must be provided with structures, covers, pipe requirements/cross sections and connection/tap details in accordance with City and County Standards. In addition, shop drawings for the said appurtenances will be required to be reviewed by the City and HRC. **This item is still applicable. Details and shop drawings as required or requested by the City must be provided prior to construction.**

6. The proposed sanitary lead connection type (TwisTee sewer saddle, as per the City DPW, or approved equal) must be labeled on the plan. **The connection type has been labeled on the plans. This item has been satisfactorily addressed.**
Recommendation:

Based on our aforementioned comments, we recommend approval of the proposed Site Plan subject to the applicant obtaining and submitting copies of any permits to the City and providing any required shop drawings or details prior to construction.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Edward D. Zmich
Project Manager

Mitch Stark
Review Engineer

EDZ/mas
pc: City of Berkley; Mr. Derrick Schueller, Mr. Shawn Young
HRC; R. Alix, File
APPLICATION FOR SITE PLAN REVIEW

NOTICE TO APPLICANT: Applications for Site Plan review by the Planning Commission must be submitted to the City of Berkley Building Department in substantially complete form at least 30 days prior to the Planning Commission's meeting at which the application will be considered. The application must be accompanied by the data specified in the Zoning Ordinance, including fully dimensioned site plans, plus the required review fees.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

TO BE COMPLETED BY APPLICANT:

I (We), the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Seven Point Berkley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Seven Point Dispensing of Michigan, LLC</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>[Redacted]</td>
</tr>
<tr>
<td>Telephone:</td>
<td>[Redacted]</td>
</tr>
<tr>
<td>Email:</td>
<td>[Redacted]</td>
</tr>
<tr>
<td>Property Owner(s), if different from Applicant:</td>
<td>Greenside Trust</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>[Redacted]</td>
</tr>
<tr>
<td>Telephone:</td>
<td>[Redacted]</td>
</tr>
<tr>
<td>Email:</td>
<td>[Redacted]</td>
</tr>
<tr>
<td>Applicant's Legal Interest in Property:</td>
<td>Applicant is an ancillary beneficiary of the Greenside Trust.</td>
</tr>
</tbody>
</table>

LOCATION OF PROPERTY:

| Street Address: | 28557 Woodward Avenue |
| Nearest Cross Streets: | Woodward Avenue and Wiltshire Road |
| Sidwell Number(s): | 2517257025 and 2517257008 |
PROPERTY DESCRIPTION:
Provide lot numbers and subdivision: Lots 356 to 358 Vinsetta Park Subdivision

Property Size (Square Feet): 5,314 Square Feet (Acres): 0.12 acres

EXISTING ZONING DISTRICT (please check):

- R-1A
- R-1B
- R-1C
- R-1D
- RM
- RMH
- Local Business
- Office
- Community Centerpiece
- Woodward
- Eleven Mile
- Twelve Mile
- Coolidge
- Downtown
- Industrial
- Cemetery
- Parking

Present Use of Property: 28557 Woodward Avenue is currently vacant.

Proposed Use of Property: Marihuana Adult-use and medical provisioning

Is the property located within the Downtown Development Authority? □ Yes ✓ No

PROJECT DESCRIPTION:
Marihuana Adult-use retailer and medical provisioning center.

Does the proposed project / use of property require Special Land Use approval? □ Yes ✓ No

Does the proposed project require Variance(s) from the Zoning Board of Appeals? □ Yes ✓ No

If yes, please describe Variances required:

Updated 07.01.2021
2 | P a g e
PLEASE COMPLETE THE FOLLOWING CHART:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Number of Units</th>
<th>Gross Floor Area</th>
<th>Number of Parking Spaces On Site</th>
<th>Number of Employees on Largest Shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>1</td>
<td>3,405 Square Feet</td>
<td>56 (including 3 barrier free spaces)</td>
<td>TBD</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PROFESSIONALS WHO PREPARED PLANS:

A. Name: Brian Howard/HF Architecture
   Mailing Address: 
   Telephone: 
   Email: 
   Design Responsibility (engineer, surveyor, architect, etc.): Architect

B. Name: Brian Sinnott/Fleis & Vandenbrink
   Mailing Address: 
   Telephone: 
   Email: 
   Design Responsibility: Civil Engineer

SUBMIT THE FOLLOWING:

1. Fifteen (15) individually folded copies of the site plans, measuring 24" x 36", sealed by a registered architect, engineer, or surveyor.
2. A pdf file of the site plans, submitted to the Community Development Director.
3. Proof of property ownership (title insurance policy or registered deed with County stamp).
4. Review comments or approval received from County, State or Federal agencies that have jurisdiction over the project, including, but not limited to:

   - Road Commission for Oakland County
   - Michigan Department of Transportation
   - Oakland County Health Division
   - Michigan Department of Environment, Great Lakes & Energy

Updated 07.01.2021
PLEASE NOTE: The applicant, or a designated representative, MUST BE PRESENT at all scheduled meetings, or the Site Plan may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a Site Plan Application or to revoke any permits granted subsequent to the site plan approval.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission and audience to be fully engaged so they can give your project the attention it deserves. Planning Commission meetings are recorded and televised.

PROPERTY OWNER’S APPROVAL: (Initial each line)

I hereby authorize the employees and representatives of the City of Berkeley to enter upon and conduct an inspection and investigation of the above-referenced property.

APPLICANT’S ENDORSEMENT: (Initial each line)

All information contained therein is true and accurate to the best of my knowledge.

I acknowledge that the Planning Commission will not review my application unless all information in this application and the Zoning Ordinance has been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this site plan application.

I hereby acknowledge that if engineering or other reviews are required, additional fees must be submitted. Should the review fees be greater than the required minimum, sufficient additional charges will be imposed to satisfy the additional review fees. All fee obligations must be satisfied prior to permit approval.

If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.
Signature of Applicant  

Gabe Rubin on behalf of Seven Point Dispensing of Michigan, LLC  

Applicant Name (Print)  

Signature of Applicant  

Applicant Name (Print)  

Signature of Property Owner Authorizing this Application  

Dan Winter an authorized representative of The Greenside Trust  

Property Owner Name (Print)  

OFFICE USE ONLY  

Received  

Receipt #  

Meeting Date  

Case #  

Fees:Site Plan Review $600  

Façade Change: $200  

Revision: $300  

Extension $200  

Engineering: Multi-family $1,500 + $30/unit  

Commercial $1,000  

Escrow (New construction) $1,000  

Updated 07.01.2021  

5/16/22
May 16, 2022

Megan A. Masson-Minock, AICP
Interim Community Development Director
City of Berkley

Re: Sketch Plan Review Request

Dear Megan,

Seven Point Dispensing of Michigan LLC is submitting the site plan for its proposed marihuana adult-use and medical establishment at 28557 Woodward Avenue, Berkley, MI 48072 to be reviewed by the Planning Department and Planning Commission as a Sketch Plan Review.

Please find attached the site plan and related documents.

Thank you,

Gabe Rubin

3445 Robina Avenue Berkley, MI 48072
CURRENT ZONING:
SINGLE-FAMILY RESIDENTIAL (R1-B)

EXISTING 20'-0" WIDE PUBLIC ALLEY

STATE FARM
220 DRY CLEANERS
WOODWARD AVENUE

TRASH ENCLOSURE W/ NEW WOOD GATES

NEW 6'-0" TALL BRICK WALL W/ LIMESTONE CAP

BARRIER-FREE CAR SPACE
ADA PARKING

10 PARKING SPACES PROVIDED
+ 3 BARRIER-FREE SPACE = 56 TOTAL SPACES

CUSTOMER PARKING LOT
BARRIER-FREE CAR SPACE
ADA PARKING
53 PARKING SPACES PROVIDED

EMPLOYEE PARKING LOT
BARRIER-FREE CAR SPACE
ADA PARKING
12 PARKING SPACES PROVIDED

CONDITIONAL RE-ZONING:
PARKING "CURBSIDE PARKING ONLY"
8' WIDE STRIP OF PERMEABLE CONCRETE W/ SURFACE DRAINS

KITCHEN SINK FAUCET
CRUE K-22972

WILTSHIRE ROAD

NEW 6'-0" TALL BRICK WALL W/ LIMESTONE CAP

CONDITIONAL RE-ZONING:
PARKING
8' WIDE STRIP OF PERMEABLE CONCRETE W/ SURFACE DRAINS

SALES FLOOR
ENTRY
MEN
WOMEN
EMPLOYEE
UTILITY
VAULT
BREAK ROOM
IT ROOM
SECURITY
OFFICE
RECEIVING
DELIVERIES
MAIN ENTRANCE
EXIT ONLY
SEVEN POINT: ADULT USE RETAIL AND PROVISIONING CENTER
28531-28557 WOODWARD AVENUE
BERKLEY, MICHIGAN

SKETCH PLAN REVIEW SUBMITTAL
05.24.22

NEW RECYCLED STEEL CANOPY W/ SIGNAGE + RECESSED LED LIGHTS (SUSTAINABLE MATERIAL)

NEW 12'-0" LONG STORM WATER PLANTER W/ (2) BENCHES (SUSTAINABLE MATERIAL)

NEW 3'-0" TALL WALL W/BENCH

NEW MASONRY BLOCK PARAPET @ PERIMETER OF BUILDING TO SCREEN ALL ROOF TOP UNITS W/ NEW RECYCLED STEEL WALL CAP

TOTAL FACADE WALL AREA: 983 SF
ECO-STUCCO: 533 SF (54% OF WALL AREA)
BAMBOO COMPOSITE SIDING: 330 SF (34% OF WALL AREA)
ALUM FRAME W/INSULATED GLASS: 120 SF (12% OF WALL AREA)

NEW WALL MOUNTED (LED/ENERGY EFFICIENT) LIGHT FIXTURE. TO BE MOUNTED 8'-0" ABOVE GRADE

WILTSHIRE ROAD (NORTH) ELEVATION
SCALE: 1/4" = 1'-0"
SEVEN POINT: ADULT USE RETAIL AND PROVISIONING CENTER

28531-28557 WOODWARD AVENUE
BERKLEY, MICHIGAN

SKETCH PLAN REVIEW SUBMITTAL
05.24.22

TOTAL FACADE WALL AREA: 1,275 SF
- ECO-STUCCO: 942 SF (74% OF WALL AREA)
- BAMBOO COMPOSITE SIDING: 275 SF (22% OF WALL AREA)
- ALUM FRAME W/INSULATED GLASS: 58 SF (4% OF WALL AREA)

NEW 3'-0" TALL WALL W/BENCH
RECYCLED (SUSTAINABLE MATERIAL)
BAMBOO COMPOSITE (VERTICAL) SIDING

NEW RECESSED DELIVERY ENTRANCE/EXIT:
SEVEN POINT

NEW MASONRY BLOCK PARAPET @ PERIMETER OF BUILDING TO SCREEN ALL ROOF TOP UNITS W/ NEW RECYCLED STEEL WALL CAP

NEW WALL MOUNTED (LED/ENERGY EFFICIENT) LIGHT FIXTURE. TO BE MOUNTED 8'-0" ABOVE GRADE

NEW RECYCLED STEEL CANOPY W/ SIGNAGE + RECESSED LED LIGHTS (SUSTAINABLE MATERIAL)

MULTI-TENANT ENTRANCE/EXIT:
STATE FARM

PUBLIC ALLEY (WEST) ELEVATION
SCALE: 1/4" = 1'-0"
MEMORANDUM

To: Planning Commission

From: Megan A. Masson-Minock, Interim Community Development Director

Subject: PSP-12-22, Sketch Plan for Seven Point Provisioning Center at 28557 Woodward Avenue

Date: June 1, 2022

The applicant has asked for a sketch plan review for the proposed renovation of the existing building at 28557 Woodward Avenue Road as a retail marihuana dispensary at 28557 Woodward Avenue. The applicant is also proposing associated parking in the existing parking lot at Parcel #25-17-257-008, and proposed parking at 1299 Wiltshire Road, Parcel #25-17-257-007, and 1276 Franklin Road, Parcel #25-17-257-023.

Section 138-681 – Approval Process allow sketch plan review by the Planning Commission as follows:

“Sketch plan (optional). An item may be submitted to the planning commission for informal discussion. No approval shall be granted. However, the applicant may wish to present and discuss a proposed project and any anticipated problems before applying for site plan approval.”

On April 12, 2022, the applicant had a pre-application meeting with staff from myself, DPW Director Schueller, Fire Inspector Kelly, and Eddie Zmich and Mitchell Stark for HRC. The applicant submitted a conditional rezoning request for 1276 Franklin Road on April 25, 2022 and for 1299 Wiltshire on April 28, 2022. After review by the City Attorney and Planning Consultant, it was determined that the conditional rezonings needed to be approved concurrently with the site plan for the project due to the conditions offered by the applicant. On May 16, 2022, the applicant filed a site plan review application and request for sketch plan review. All three applications are included in the Planning Commission packet.

As no fees are required for sketch plan, the revised plans were not reviewed in full by this department, the Fire Inspector, DPW or the engineering consultants.

Planning Review from Carlisle Wortman Associates (CWA) dated May 26, 2022

Per my request, Carlisle Wortman Associates (CWA) has provided a preliminary review of the proposed conditional rezonings in conjunction with the sketch plan. They found that the proposed rezonings are inconsistent with the Master Plan, and rezoning the Frankly parcel would create a spot zone, isolate 1256 Franklin, and not provide an adequate buffer to either adjacent single-family home.
Parking and Other Proposed Marihuana Provisioning Centers in Berkley

The applicant has indicated that, based on observing the site plan proceedings by the Planning Commission for other marihuana provisioning centers, additional parking and circulation could be required by the Planning Commission as part of site plan review. The conditional rezoning requests were brought to address those potential concerns.

To provide context between this sketch plan and the other provisioning center site plans that have approved site plans from the Planning Commission, the table below summarizes the square footage of each provisioning center, parking requirements, parking proposed and notes:

<table>
<thead>
<tr>
<th>Provisioning Center</th>
<th>Uses &amp; Square Footage</th>
<th>Required Parking</th>
<th>Proposed Parking</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSP-03-22: 1949 Twelve Mile Lume</td>
<td>Provisioning Center: 16,141 s.f. Office: 8,413 s.f.</td>
<td>69</td>
<td>124</td>
<td>While 17 spaces were required for provisioning use, the applicant anticipated the need for 34 spaces. There is a shared parking with an adjacent property for overflow.</td>
</tr>
<tr>
<td>PSP-09-22: 3916 W. Eleven Mile Quality Roots</td>
<td>Provisioning Center: 5,724 s.f. Office: 686 s.f.</td>
<td>13</td>
<td>19</td>
<td>The applicant had six additional spaces in a previous submittal, but replaced them with landscaping.</td>
</tr>
<tr>
<td>PSP-12-22: 28557 Woodward Seven Point</td>
<td>Provisioning Center: 3,405 s.f. Office: 1,305 s.f.</td>
<td>11</td>
<td>53</td>
<td></td>
</tr>
</tbody>
</table>

Summary and Recommendation

Please come prepared to share your questions and concerns about the sketch plan and the associated conditional rezonings. The applicant has requested direction on whether to continue to pursue the conditional rezonings. Please note that the process for a rezoning of any type is a recommendation by the Planning Commission and approval by the City Council.

Thank you.

Cc: Matt Baumgarten, City Manager  
    John Staran, City Attorney  
    Gabe Rubin, Representative for Seven Point Dispensing of Michigan, LLC
APPLICATION FOR AMENDMENT TO THE ZONING MAP (REZONING)

NOTICE TO APPLICANT: Applications to amend the Zoning Map must be submitted to the City of Berkley Building Department in substantially complete form at least 30 days prior to the Planning Commission meeting, at which the proposal will be considered. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey of the property.

The Planning Commission will hold the required public hearing and will make a recommendation to the City Council. Amendments to the Zoning Map (Rezoning) shall be granted by the City Council.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072. The City Council meets the first and third Monday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

TO BE COMPLETED BY APPLICANT:

I (We), the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

Project Name: Seven Point Berkley-Franklin

Applicant: Seven Point Dispensing of Michigan, LLC

Mailing Address: [Redacted]

Telephone: [Redacted]

Email: [Redacted]

Property Owner(s), if different from Applicant: Diana Tien Le

Mailing Address: [Redacted]

Telephone: [Redacted]

Email: [Redacted]

Applicant's Legal Interest in Property: Fully executed Purchase Agreement dated February 28, 2022 between Brad Zerman, Managing Member of Seven Point Dispensing of Michigan, LLC (Buyer) and Diana Tien Le (Seller)
LOCATION OF PROPERTY:
Street Address: 1276 Franklin Road
Nearest Cross Streets: Woodward Avenue and Catalpa
Sidwell Number(s): 04-25-17-257-023

PROPERTY DESCRIPTION:
Provide lot numbers and subdivision: Lot 426 Vinsetta Park Sub

Property Size (Square Feet): 6,839 Square Feet (Acres): 0.16
Property Legal Description: T1N, R11E, SEC 17 Vinsetta Park Sub Lot 426

EXISTING ZONING DISTRICT (please check):
- R-1A
- R-1B
- R-1C
- R-1D
- ✓ RM
- ✓ RMH
- Local Business
- Office
- Community Centerpiece
- Woodward
- Eleven Mile
- Twelve Mile
- Coolidge
- Downtown
- Industrial
- Cemetery
- Parking

Requested Zoning for Property: Parking District
Present Use of Property: Single Family Residence
Proposed Use of Property: Seven Point Employee only surface parking lot with 12 parking spaces
Is the property located within the Downtown Development District? □ Yes ✓ No

Updated 07.01.2021
PROJECT DESCRIPTION:
Demolish existing structures and develop a surface parking lot that will be designated as Seven Point employee-only parking with 12 parking spaces. There will be underground stormwater on this parcel that includes an 8' wide strip of permeable pavers with a surface drain, four landscaped areas.

Does the proposed project / use of property require site plan approval?  ✓ Yes  ☐ No

Does the proposed project require variance(s) from the Zoning Board of Appeals?  ☐ Yes  ✓ No

If yes, describe the variances that will be required: ____________________________________________

JUSTIFICATION FOR PROPOSED REZONING

Please complete the following questions with as much detail as possible so as to evaluate the rezoning proposal (attach additional sheets, if needed):

1. Is the proposed rezoning consistent with the Berkley Master Plan and the Future Land Use Map?
   See EXHIBIT A

2. Is the proposed rezoning consistent with the zoning classification of surrounding parcels?
   See EXHIBIT A

3. Are the site’s physical or environmental features suitable for the range of uses permitted in the requested zoning district?
   See EXHIBIT A

4. Would the uses permitted in the proposed zoning district be compatible with surrounding uses and zoning, in terms of views, noise, air quality, traffic, density, the environment, drainage, and land values?
   See EXHIBIT A
5. Does the public infrastructure (roads, water and sewer system) have capacity to accommodate the uses permitted in the proposed zoning district?

See EXHIBIT A

6. Provide any additional information that should be considered with your application and request:

See EXHIBIT A

PROFESSIONALS WHO PREPARED PLANS:

A. Name: Brian Howard/HF Architecture
   Mailing Address: 
   Telephone: 
   Email: 
   Design Responsibility (engineer, surveyor, architect, etc.): Architect

B. Name: Fleis & Vandenbrink
   Mailing Address: 
   Telephone: 
   Email: 
   Design Responsibility: Civil Engineer

SUBMIT THE FOLLOWING:

1. Fifteen (15) individually folded copies of the site plans, measuring 24" x 36", sealed by a registered architect, engineer, or surveyor. If copies are submitted simultaneously for site plan review, then submittal of ten (10) additional copies is not necessary.
2. A pdf file of the plans and any supporting documents, emailed to the Community Development Director.
3. Proof of property ownership (title insurance policy or registered deed with County stamp).
PLEASE NOTE: The applicant, or a designated representative, MUST BE PRESENT at all scheduled meetings, or the request may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of the map amendment application.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission, City Council and audience to give your project the attention it deserves. Planning Commission and City Council meetings are recorded and televised.

PROPERTY OWNER'S APPROVAL: (Initial each line)

☐ I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the requested public hearing related to the zoning map amendment (rezoning) request.

☐ I hereby authorize employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

APPLICANT'S ENDORSEMENT: (Initial each line)

☐ All information contained therein is true and accurate to the best of my knowledge.

☐ I acknowledge that the Planning Commission and City Council will not review my application unless all information in this application has been submitted.

☐ I acknowledge that the City and its employees or appointed or elected officials shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this application.

If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.
Signature of Applicant  Date

Gabe Rubin as a representative of Seven Point Dispensing of Michigan LLC

Applicant Name (Print)

Signature of Applicant  Date

Applicant Name (Print)

Diana Tien Le  04-22-2022

Signature of Property Owner Authorizing this Application  Date

Diana Tien Le

Property Owner Name (Print)

OFFICE USE ONLY

Received  Receipt #  Meeting Date  Case #

Fee:  $750
1. **Is the proposed rezoning consistent with the Berkley Master Plan and the Future Land Use Map?**

   The marihuana adult-use and medical use municipal retail and provisioning center license was approved by the Berkley City Council for this location. However, this use is not part of the City of Berkley’s Master Plan or Future Land Use Map as the Master Plan did not contemplate marijuana uses generally and the high-traffic nature of these uses specifically. As a result, the Master Plan did not consider the need for additional parking for this use and other retail uses along Woodward Avenue (MDOT 2019 80,000 cars per day). The Future Land Use Map identifies properties west of the parcels along Woodward Avenue (Gateway Corridor) as Potential Corridor Expansion/Transitional Buffer.

   Nonetheless, the proposed rezoning of the property located at 1276 Franklin Road from Multiple Family Residential RM to Parking District is consistent with the Berkley Master Plan and Future Land Use if compared to other properties that are classified as either Gateway Corridor use or potential corridor expansion/transitional buffer. To illustrate, there are two single-family homes located on Dorothea Road (1208 and 1224). These two properties are labeled in the Future Land Use Map as Potential Corridor Expansion/Transitional Buffer and currently zoned Single Family Residential R-1D. A rezoning of the subject property would follow the existing land use pattern for properties abutting Woodward Avenue and would serve to support both the Woodward corridor and the adjacent residential neighborhoods. It should be noted that the subject property (1276 Franklin Road) is currently zoned Multiple Family Residential RM, but the current use is a single-family residential home. According to the City of Berkley Master Plan, the parcels on Woodward were originally platted over a century ago and lack an adequate buffer between the high-traffic retail locations on Woodward Avenue and the residential properties immediately adjacent to them. This issue was addressed in the Future Land Use Map, which called for additional buffers between the high-traffic retail locations on Woodward and the residential neighborhoods immediately behind them.
2. Is the proposed rezoning consistent with the zoning classification of surrounding areas?

Yes, the proposed rezoning is consistent with the zoning classification of the surrounding areas. The following parcels are examples of surrounding Berkley properties along the Woodward Avenue corridor that are consistent with our request to conditionally rezone 1276 Franklin Road from Multiple Family Residential RM to Parking District.

**28653 Woodward Avenue/Flagstar Bank Branch:** This property is located directly north of the subject property on the other side of Wiltshire Road. As indicated in the aerial picture below, the western property line of the Flagstar Bank property is in line with the western property line of 1299 Wiltshire Road, which we are also proposing to rezone to parking. The proposed rezoning of the property will create a congruent layout within this section of Woodward Avenue, Franklin Rd, and Wiltshire Rd. The Flagstar Bank property is zoned Woodward District.
1256 Franklin Road/Multiple Family Residential Property:

The Planning commission approved the conditional rezoning application of another marihuana business license applicant from Multifamily Residential to Parking on January 29, 2020. The rezoning designation as Parking was contingent on the award of a marihuana business license to the applicant. This property is adjacent to the subject property and like 1256 Franklin, also abuts the currently existing parking lot.
27659 Woodward Avenue/Westborn Market:

This property is zoned Gateway District and Parking District. The parking lot of Westborn market abuts single family residential and is a large parking lot that accommodates the traffic at Westborn market. This property is less than one-half mile south of the subject property along Woodward Avenue.

3. Are the site's physical or environmental features suitable for the range of uses permitted in the requested zoning district?

Yes, the site's physical and environmental features are more than suitable for the range of uses permitted in the requested zoning district. The proposed site plan for 1276 Franklin Road includes underground stormwater management (8' wide strip of permeable pavers with surface drains), green space in the front yard area of the parcel that will include two benches and a dog-walking station, and landscaped areas. Additionally, there will be a screening wall (6' brick wall with limestone cap) around the perimeter of the subject parcel that will have the same characteristics as the screening wall along the western portion of the Flagstar Bank property located at 28653 Woodward Avenue and along the perimeter of the parcel located at 1299 Wiltshire Road. The parking lot will have new LED pole lights indicated on the site plan to increase the safety and security of employees, customers, and nearby residents.
4. Would the uses permitted in the proposed zoning district be compatible with surrounding uses and zoning, in terms of views, noise, air quality, traffic, density, the environment, drainage, and land values?

Yes, the use permitted in the proposed zoning district (Parking District) would be compatible with surrounding uses and zoning, similar to the Flagstar Bank parking lot immediately to the North. For example, our parking lot will look similar to other surrounding parking lot uses and will have similar if not better landscaping compared to similarly situated Woodward parking parcels. Our screening walls will have the same characteristics as the screening walls of other similarly zoned sites in the surrounding area. Our proposed site plan includes two landscaped areas within the employee parking area and two landscaped areas located on the front yard of the parcel on either side of the one-way drive isle. The landscaped area to the East will include new park benches with a dog walking station. The landscaping will improve air quality and the environment in the immediate area and look similar to other parking districts in Berkley such as the Public Library.

Traffic will be similar to other parking lots in the surrounding area that have a surplus of parking to keep the flow moving, which would prevent customers from parking directly on the residential side streets or causing backups on Woodward Avenue, similar to what happens at the Starbucks on Woodward Avenue. Traffic will not be affected on Franklin Road due to the increased parking area which provides twelve designated parking spaces for Seven Point employees. Unlike store patrons, who will only park for a brief period of time and then exit towards Woodward soon thereafter, employees’ vehicles will be more stationary and parked for hours at a time. We will also be taking additional proactive measures to keep traffic off Franklin Road. The installation of signage at the Franklin exit of our designated employee only parking lot will state “Left Turn Only,” which will keep vehicles off of the residential sections of Franklin Road, instead directing them to Woodward Avenue. Similar “Left Turn Only” signage will additionally be installed at the south end of the alley, at Franklin Road, behind our retail storefront.

Drainage of excess rainwater will be compatible with other parking districts located in Berkley along the Woodward Corridor once we complete our stormwater management at the site. Numerous research studies show marihuana businesses increase property values of neighboring real estate, including neighboring residential properties. However, Marihuana businesses, like all businesses, require ample parking to serve their patrons and to add value to the business while minimizing potential traffic concerns for nearby residents. Unlike many other Woodward parking lots, which were developed without stormwater management considerations, our site plan is, based on the stormwater management plans included with this application, in addition to proposed stormwater management plans which will be submitted for our primary site located at 28557 Woodward Ave. The implementation of the additional stormwater management at 1276 Franklin Road will help prevent localized flooding and increase the value of the residential properties in the area.
In sum, the proposed rezoning of 1276 Franklin Road from Multiple Family Residential RM to Parking District will be compatible with other commercial properties along Woodward Avenue that require parking to support their business along the Woodward Avenue corridor and is aligned with the need to provide a buffer between high-traffic retail locations on Woodward and the adjacent residential neighborhoods.

5. **Does the public infrastructure** (roads, water, and sewer system) **have capacity to accommodate the uses permitted in the proposed zoning district?**

Yes. As indicated on the site plan, the property located at 1276 Franklin Road will be developed into surface parking that will be designated as Seven Point employee parking. The new surface employee-only parking lot will have an 8-foot-wide strip of permeable concrete with surface drains. There will also be four landscaped areas indicated in the site plan. These systems will reduce the strain on the city of Berkley’s stormwater/sewer infrastructure and add value to the surrounding properties.

Moreover, Woodward Avenue is more than adequate to serve the high-traffic retail location that the subject property will service. We will be taking steps, such as the “Left Turn Only” sign at the employee-parking lot exit and at the south end of our alley at Franklin Road, to ensure that all such traffic is funneled directly to Woodward Avenue, which has more than enough capacity to handle such traffic.
6. Provide any additional information that should be considered with your application and request:

We are seeking this conditional rezoning as part of a rezoning package that includes 1299 Wiltshire and 1276 Franklin in order to ensure our employees and customers have adequate parking are able to park in a well-lit and safe area, while also ensuring that they do not park directly on Franklin Road or Wiltshire Road and interfere or become a nuisance to nearby residents. We believe our plan would benefit nearby residents and our employees and customers.

Our rezoning is in alignment with Berkley and other nearby municipality’s’ desire to balance the high-traffic retail uses on Woodward with their surrounding neighborhoods. To this point, the Master Plan states the following circumstances should be in place to consider a rezoning from single-family:

- The parcel or parcels in question are adjacent to a property zoned for mixed use or commercial uses with frontage on Twelve Mile, Eleven Mile, Coolidge, or Woodward.
- Mechanisms are in place - in zoning or as a part of a conditional rezoning or planned unit development - to assure a substantial buffer, with a combination of landscaping, screening, and fencing, between single family neighborhoods and non-residential or mixed uses.

Our plan, as described above, addresses these considerations. We therefore respectfully request that you approve our application for rezoning of the subject property.
APPLICATION FOR AMENDMENT TO THE ZONING MAP (REZONING)

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TO BE COMPLETED BY APPLICANT:

I (We), the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

Project Name: Seven Point Berkley-Wiltshire

Applicant: Seven Point Dispensing of Michigan, LLC

Mailing Address: [Redacted]

Telephone: [Redacted]

Email: [Redacted]

Property Owner(s), if different from Applicant: Majid Cholak

Mailing Address: [Redacted]

Telephone: [Redacted]

Email: [Redacted]

Applicant’s Legal Interest in Property: Fully executed Purchase Agreement dated June 15, 2020 between Brad Zerman (Managing Member of Seven Point Dispensing of Michigan, LLC) on behalf of an entity to be formed on or before closing (Buyer) and Majid Cholak (Seller)
LOCATION OF PROPERTY:
Street Address: 1299 Wiltshire Road Berkley, MI 48072
Nearest Cross Streets: Woodward Avenue and Catalpa
Sidwell Number(s): 25-17-25-7007

PROPERTY DESCRIPTION:
Provide lot numbers and subdivision: Lot 205/Stephenson-Barber's Oakland Manors Sub

Property Size (Square Feet): 12,807 Square Feet (Acres): 0.29
Property Legal Description: Lot 205, Stephenson-Barber's Oakland Manors Subdivision, as recorded in Liber 12, Page 22 of Plats, Oakland County Records.

EXISTING ZONING DISTRICT (please check):
☐ R-1A ☐ Local Business ☐ Coolidge
☑ R-1B ☐ Office ☐ Downtown
☐ R-1C ☐ Community Centerpiece ☐ Industrial
☐ R-1D ☐ Woodward ☐ Cemetery
☐ RM ☐ Eleven Mile ☐ Parking
☐ RMH ☐ Twelve Mile

Requested Zoning for Property: Parking District
Present Use of Property: Single Family Residence
Proposed Use of Property: Surface parking that will be combined with the parking lot for the Seven Point marihuana adult-use and medical provisioning center located at 28557 Woodward Avenue.

Is the property located within the Downtown Development District? ☐ Yes ☑ No

Updated 07.01.2021
PROJECT DESCRIPTION:

Demolish existing structures and develop a surface parking lot that will be used to accommodate the parking demand for the Seven Point adult-use retail and medical provisioning center located at 28557 Woodward Avenue.

Does the proposed project / use of property require site plan approval?  
- Yes □  No ☑

Does the proposed project require variance(s) from the Zoning Board of Appeals?  
- Yes □  No ☑

If yes, describe the variances that will be required:

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JUSTIFICATION FOR PROPOSED REZONING

Please complete the following questions with as much detail as possible so as to evaluate the rezoning proposal (attach additional sheets, if needed):

1. Is the proposed rezoning consistent with the Berkley Master Plan and the Future Land Use Map?  
   See EXHIBIT A

2. Is the proposed rezoning consistent with the zoning classification of surrounding parcels?  
   See EXHIBIT A

3. Are the site’s physical or environmental features suitable for the range of uses permitted in the requested zoning district?  
   See EXHIBIT A

4. Would the uses permitted in the proposed zoning district be compatible with surrounding uses and zoning, in terms of views, noise, air quality, traffic, density, the environment, drainage, and land values?  
   See EXHIBIT A
5. Does the public infrastructure (roads, water and sewer system) have capacity to accommodate the uses permitted in the proposed zoning district?

See EXHIBIT A

6. Provide any additional information that should be considered with your application and request:

See EXHIBIT A

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**PROFESSIONALS WHO PREPARED PLANS:**

<table>
<thead>
<tr>
<th>A. Name:</th>
<th>Brian Howard/HF Architecture</th>
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<tbody>
<tr>
<td>Mailing Address:</td>
<td>[Redacted]</td>
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<tr>
<td>Design Responsibility (engineer, surveyor, architect, etc.):</td>
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<tr>
<th>B. Name:</th>
<th>Fleis &amp; Vandenbrink</th>
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<td>Mailing Address:</td>
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<tr>
<td>Design Responsibility:</td>
<td>Civil Engineer</td>
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</tbody>
</table>

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**SUBMIT THE FOLLOWING:**

1. Fifteen (15) individually folded copies of the site plans, measuring 24” x 36”, sealed by a registered architect, engineer, or surveyor. If copies are submitted simultaneously for site plan review, then submittal of ten (10) additional copies is not necessary.

2. A pdf file of the plans and any supporting documents, emailed to the Community Development Director.

3. Proof of property ownership (title insurance policy or registered deed with County stamp).
PLEASE NOTE: The applicant, or a designated representative, MUST BE PRESENT at all scheduled meetings, or the request may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of the map amendment application.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission, City Council and audience to give your project the attention it deserves. Planning Commission and City Council meetings are recorded and televised.

PROPERTY OWNER’S APPROVAL: (Initial each line)

[Signature]
I hereby authorize and give permission for the City of Berkeley to install one or more temporary signs on my property, in order to notify the public of the requested public hearing related to the zoning map amendment (rezoning) request.

[Signature]
I hereby authorize employees and representatives of the City of Berkeley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

APPLICANT’S ENDORSEMENT: (Initial each line)

[Signature]
All information contained therein is true and accurate to the best of my knowledge.

[Signature]
I acknowledge that the Planning Commission and City Council will not review my application unless all information in this application has been submitted.

[Signature]
I acknowledge that the City and its employees or appointed or elected officials shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this application.

If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.
Gabe Rubin as a representative of Seven Point Dispensing of Michigan, LLC

Applicant Name (Print)

Signature of Applicant

Date

Signature of Applicant

Date

Applicant Name (Print)

Signature of Property Owner Authorizing this Application

Majid D. Cholak

Property Owner Name (Print)

OFFICE USE ONLY

Received _______ Receipt # ________ Meeting Date _________ Case # _________

Fee: $750

Updated 07.01.2021
1. Is the proposed rezoning consistent with the Berkley Master Plan and the Future Land Use

The marihuana adult-use and medical use municipal retail and provisioning center license was approved by the Berkley City Council for this location. However, this use is not part of the City of Berkley’s Master Plan or Future Land Use Map as the Master Plan did not contemplate marijuana uses generally and the high-traffic nature of these uses specifically. As a result, the Master Plan did not consider the need for additional parking for this use and other retail uses along Woodward Avenue (MDOT 2019 80,000 cars per day). The Future Land Use Map identifies properties west of the parcels along Woodward Avenue (Gateway Corridor) as Potential Corridor Expansion/Transitional Buffer.

Nonetheless, the proposed rezoning of the property located at 1299 Wiltshire is consistent with the Berkley Master Plan and Future Land Use if compared to other properties that have been identified as either Gateway corridor use or potential corridor expansion/transitional buffer. To illustrate, the Flagstar bank property directly north of the subject property is categorized on the Future Land Use map as the Gateway Corridor and has the same western property line as 1299 Wiltshire Road. According to the City of Berkley Master Plan, the parcels on Woodward were originally platted over a century ago and lack an adequate buffer between the high-traffic retail locations on Woodward Avenue and the residential properties immediately adjacent to them. This issue was addressed in the future land use map, which called for additional buffers between the high-traffic retail locations on Woodward and the residential neighborhoods immediately behind them.

For example, there are two single family homes located on Dorothea Road (1208 and 1224). These two properties are identified in the future land use map as Potential Corridor Expansion/Transitional Buffer. A rezoning of the subject property would follow the existing land use pattern for properties abutting Woodward Avenue and would serve to support both the Woodward corridor and the adjacent residential neighborhoods.
2. Is the proposed rezoning consistent with the zoning classification of surrounding areas?

Yes, the proposed rezoning is consistent with the zoning classification of the surrounding areas. The following parcels are examples of surrounding Berkley properties along the Woodward Avenue corridor that are consistent with our request to conditionally rezone 1299 Wiltshire Road.

28653 Woodward Avenue/Flagstar Bank Branch: This property is located directly north of the subject property on the other side of Wiltshire Road. As indicated in the aerial picture below, the western property line of the Flagstar Bank property is in line with the western property line of 1299 Wiltshire Road. The proposed rezoning of the property will create a congruent layout within this section of Woodward Avenue and Wiltshire Road. The Flagstar Bank property is zoned Woodward District.
27365 Woodward Avenue/Einstein Bros. Bagels:

Surface parking lot for Einstein Bros bagel multi-use building

1256 Franklin Road/Multiple Family Residential Property:

The Planning commission approved the conditional rezoning application of another marihuana business license applicant from Multifamily Residential to Parking on January 29, 2020. The rezoning designation as Parking was contingent on the award of a marihuana business license to the applicant. This property is less than one hundred feet from the subject property.
27659 Woodward Avenue/Westborn Market:

This property is zoned Gateway District and Parking District. The parking lot of Westborn market abuts single family residential and is a large parking lot that accommodates the traffic at Westborn market. This property is less than one-half mile south of the subject property along Woodward Avenue.

3. Are the site's physical or environmental features suitable for the range of uses permitted in the requested zoning district?

Yes, the site's physical and environmental features are more than suitable for the range of uses permitted in the requested zoning district. The proposed site plan for 1299 Wiltshire Road includes underground stormwater management, permeable pavers with surface drains, substantial landscaping along the inside perimeter and a 6-foot brick screening wall with a limestone cap—the same characteristics as the screening wall along the western portion of the Flagstar Bank property located at 28653 Woodward Avenue. In addition, the parking lot will have new LED pole lights indicated on the site plan to increase the safety and security of customers and nearby residents.
4. Would the uses permitted in the proposed zoning district be compatible with surrounding uses and zoning, in terms of views, noise, air quality, traffic, density, the environment, drainage, and land values?

Yes, the use permitted in the proposed zoning district (Parking District) would be compatible with surrounding uses and zoning, similar to the Flagstar Bank parking lot immediately to the North. For example, our parking lot will look similar to other surrounding parking lot uses and will have similar if not better landscaping compared to similarly situated Woodward parking parcels. Our screening walls will have the same characteristics as the screening walls of other similarly zoned sites in the surrounding area. Our proposed site plan includes a tree buffer and landscaping that will improve air quality and the environment in the immediate area and look similar to other parking districts in Berkley such as the Public Library.

Traffic will be similar to other parking lots in the surrounding area that have a surplus of parking to keep the flow moving, which would prevent customers from parking directly on Wiltshire or causing backups on Woodward Avenue similar to what happens at the Starbucks on Woodward Avenue. Traffic will not be affected on Wiltshire Road due to the increased parking area which provides more than the recommended amount of parking so the parking lot flow will keep moving. We will also be taking additional proactive measures to keep traffic off Wiltshire. The installation of signage at the Wiltshire exit of our parking lot will state “Right Turn Only”, which will keep vehicles off of the residential sections of Wiltshire Road, instead directing them to Woodward. There will be a similar “Left Turn Only” sign when exiting the site via the alley to Franklin.

Drainage of excess rainwater will be compatible with other parking districts located in Berkley along the Woodward Corridor once we complete our stormwater management at the site. Numerous research studies show marihuana businesses increase property values of neighboring...
real estate, including neighboring residential properties. However, Marihuana businesses, like all businesses, require ample parking to serve their patrons and to add value to the business while minimizing potential traffic concerns for nearby residents. Unlike many other Woodward parking lots, which were developed without stormwater management considerations, our site plan is, based on the stormwater management plans included with this application, in addition to proposed stormwater management plans which will be submitted for our primary site located at 28557 Woodward Ave. The implementation of the additional stormwater management at 1229 Wiltshire will help prevent localized flooding and increase the value of the residential properties in the area.

In sum, the proposed rezoning of 1229 Wiltshire Road to Parking District will be compatible with other commercial properties along Woodward Avenue that require parking to support their business along the Woodward Avenue corridor and is aligned with the need to provide a buffer between high-traffic retail locations on Woodward and the adjacent residential neighborhoods.

5. Does the public infrastructure (roads, water and sewer system) have capacity to accommodate the uses permitted in the proposed zoning district?

Yes. As indicated on the site plan, the property located at 1299 Wiltshire will be developed into surface parking for the Seven Point adult-use retail and medical provisioning establishment. The new surface parking lot, which will include 1299 Wiltshire, will have underground stormwater management in addition to the extensive stormwater management on the property located at 28557 Woodward Avenue including, landscaping, rain gardens, and green roof. These systems will reduce the strain on the city of Berkley’s stormwater/sewer infrastructure and add value to the surrounding properties.

Moreover, Woodward Avenue is more than adequate to serve the high-traffic retail location that the subject property will service. We will be taking steps, such as the “Right Turn Only” sign at the parking lot exit, to ensure that all such traffic is funneled directly to and from Woodward Avenue, which has more than enough capacity to handle such traffic.
6. Provide any additional information that should be considered with your application and request:

We are seeking this conditional rezoning in order to ensure our customers are able to park in a well-lit and safe area, while also ensuring that they do not park directly on Wiltshire and interfere or become a nuisance to nearby residents. We believe our plan would benefit both nearby residents and our customers.

Our rezoning is in alignment with Berkley and other nearby municipalities desire to balance the high-traffic retail uses on Woodward with the neighborhoods that border it. To this point, the Master Plan states the following circumstances should be in place to consider a rezoning from single-family:

- The parcel or parcels in question are adjacent to a property zoned for mixed use or commercial uses with frontage on Twelve Mile, Eleven Mile, Coolidge, or Woodward.
- Mechanisms are in place - in zoning or as a part of a conditional rezoning or planned unit development - to assure a substantial buffer, with a combination of landscaping, screening, and fencing, between single family neighborhoods and non-residential or mixed uses.

Our plan, as described above, addresses these considerations. We therefore respectfully request that you approve our application for rezoning of the subject property.
To: City of Berkley Planning Commission

From: Ben Carlisle, AICP

Date: May 26, 2022

Re: Sketch Plan: Franklin and Wiltshire Rezoning

An application has been submitted for a conditional rezoning of two (2) parcels; one (1) that fronts on Franklin Road (1276 Franklin) and one (1) that fronts on Wiltshire Road (1299 Wiltshire). The purpose of the conditional rezoning is to provide parking for a proposed marihuana retail and provisioning center that fronts on Woodward. Though just a sketch plan, we have been asked to provide comments to guide Planning Commission discussion. The sketch plan is contingent on the rezoning, and as such focused our review on the rezoning.
**Zoning**

The Wiltshire parcel is zoned R1-B. The Franklin parcel is zoned RM. Neither R1-B nor RM permit parking as a principal use.

**Master Plan**

The Wiltshire parcel is future land use planned as Single-Family Residential. One of the items that was discussed during the master planning process was “zoning” creep, where zoning the corridors would extended “too far” into the neighborhoods. For that reason, the “Potential Corridor Expansion/Transitional Buffer” future land use category was strategically guide potential corridor zoning expansion. This site was not designed for that expansion purpose.

The Franklin parcel is future land use planned as Gateway Corridor. The intent of the Gateway Corridor future land use category is to improve the function, investment value and aesthetics of these corridors as mixed-use, walkable places.
The following land uses are expected to continue:

- Mixed-use buildings (no more than 3 stories)
- Offices
- Retail
- Restaurants
- Public spaces
- Institutions, such as places of worship
- Auto-oriented uses, such as gas stations or vehicle repair shops

Without a consideration of context, the rezoning to parking may be consistent with the Master Plan. However, reviewing the rezoning in context, the following points must be considered:

- The parcel is not adjacent to the alley, and the existing Woodward zoned area. Essentially, the rezoning would skip over the parcel at 1256/1258 Franklin. Its is not good zoning practice to have what could be considered a spot zone.
- If 1276 Franklin were rezoned, 1256/1258 Franklin would be surrounded by a parking lot north, an alley to the east and parking to the west.
- 1276 Franklin is very narrow, which doesn’t allow any landscaping buffer between the two adjacent residential homes. A tenant of the Master Plan is for any rezoning or change of use is the protection adjacent residential properties.

Rezoning Standards

As set forth in Section. 138-585.of the Zoning Ordinance, the Planning Commission shall use the following standards in reviewing the application for rezoning:
1. **Existing uses of property within the general area of the property in question;**

2. **The zoning classification of property within the general area of the property in question;**

3. **The suitability of the property in question to the uses permitted under the existing zoning classification;**

4. **The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and**

5. **The objectives of the current master plan for the city.**

The city planning commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is not detrimental to the public interest.

The Planning Commission shall discuss these standards in the context of the proposed rezoning.

**Summary**

We find that the rezoning is inconsistent with the Master Plan. The Wiltshire parcel is master planned to remain single-family residential. Rezoning the Franklin parcel would create a spot zone, isolate 1256 Franklin, and not provide for an adequate buffer to either adjacent existing single-family home.

Sincerely,

CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP
NOTICE OF PUBLIC MEETING
BERKLEY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN, in accordance with Section 138-528 and Section 30-806 of the Berkley City Code, that there will be a meeting of the Berkley Planning Commission to be held at the City of Berkley in the Council Chambers, 3338 Coolidge Hwy, Berkley Michigan, on Tuesday, June 7, 2022 at 7:10 pm, or as near thereto as the matter may be reached.

APPLICATION PSP-12-22

Seven Point Dispensing of Michigan, on behalf of The Greenside Trust, is requesting a sketch plan for the renovation of the existing building to be a retail marihuana dispensary at 28557 Woodward Avenue, Parcel #25-17-257-025, associated parking in the existing parking lot at Parcel #25-17-257-008, and proposed parking at 1299 Wiltshire Road, Parcel #25-17-257-007, and 1276 Franklin Road, Parcel #25-17-257-023.

Complete application information is available for review at www.berkleymich.org/urbanplanning.

Comments regarding the request may be made in person on the night of the meeting or may be made in writing. All written comments must be submitted to the Building Department or email to comdirector@berkleymich.net before 5:00p.m on the date of the Planning Commission meeting.

You can watch the meeting: https://www.berkleymich.org/livestream/index.php

MEGAN MASSON-MINOCK
INTERIM COMMUNITY DEVELOPMENT DIRECTOR
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MEGAN MASSON-MINOCK
INTERIM COMMUNITY DEVELOPMENT DIRECTOR

Publish Once:
Royal Oak Tribune
Friday, May 20, 2022
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MEMORANDUM

To: Berkley Planning Commission

From: Megan Masson-Minock, Interim Community Development Director

Subject: Planning Commission Election of Officers

Date: June 1, 2022

The City of Berkley Planning Commission Rules of Procedure states that if there is a vacancy in the office of vice-chair for whatever reason, the commission shall select a successor to the office of vice-chair at the earliest practicable time. With the limited number of Planning Commissioners and summer vacations on the horizon, we are requesting that you elect a vice-chair at your June 7, 2022 meeting to assure that, in case the chair cannot attend, there is someone designated to chair the meeting.

The duties of the Vice Chair detailed in Section Three, item 2 of the Rules of Procedure are “If the chair is not able to chair a meeting or portion of a meeting, the vice chair shall act in place of the chair for that meeting or portion of meeting. The vice-chair shall act in the capacity of the chair and shall succeed to the office of chair in the event of a vacancy in that office.”

The Rules of Procedure also require election of officers at your July meeting, when you will have at least two new members. At that time, you will elect a chair, vice-chair and secretary, so the vice-chair elected in June could serve for a short time!

Thank you.
MEMORANDUM

To: Planning Commission
From: Megan A. Masson-Minock, Interim Community Development Director
Subject: Cover Memo for Response to Draft Master Plan for Huntington Woods
Date: June 2, 2022

Please find attached a draft response to the Huntington Woods draft Master Plan. At your upcoming meeting, please let me know of any edits or suggestions. The response does not need a motion, unless you want the response to be from the Planning Commission.

Thank you.
MEMORANDUM

To: Hank Berry, Zoning Administrator, City of Huntington Woods
From: Megan A. Masson-Minock, Interim Community Development Director
Subject: Response to Draft Master Plan for Huntington Woods
Date: June 2, 2022

We have reviewed February 2022 draft report for the Huntington Wood Master Plan Update. The following items in the report would impact the City of Berkley and generally agree with Berkley’s recently adopted Master Plan:

Eleven Mile

- On the Future Land Use Map, the Eleven Mile Corridor is noted as “Enhance Corridor.”
- Most of the Eleven Mile properties are designated “Preserve” on the Future Land Use map, with the retail area on the corner of Eleven Mile and Coolidge Highway designated as “Enhance.”
- The existing parks and open space along Eleven Mile are planned as “Park and Open Space”
- The City Campus area on the southwest corner of Eleven Mile and Scotia Road is shown on the Future Land Use Map as “Invest.” The recommendations for this area include focusing on rehabbing and upgrading the Public Safety Building and considering issuing a Request for Proposal to gauge developer interest in the Public Safety Building. The Berkley properties on the north side of Eleven Mile opposite this site are planned for Gateway Corridor, which would be compatible with a variety of uses.
- The Complete Streets Plan includes the following recommendations for Eleven Mile, all of which should be in cooperation with the City of Berkley:
  - New pedestrian mid-block crossings near Scotia and Meadowcrest.
  - A Safe Routes to School Study should be completed for the pedestrian crossings along Eleven Mile.
  - The lane reconfiguration along Eleven Mile to three-lane configuration. We appreciate that the draft report notes that coordination with the City of Berkley would be critical to successful implementation.
Woodward

- Woodward is also noted on the Future Land Use Map as an “Enhance Corridor.”
- The Complete Streets Plan proposes pedestrian crossing improvements at Eleven Mile and Woodward and a dedicated bike lane or off-road bike facility along Woodward, continuing into City of Berkley.
- The report supports the station area/mobility hub at Eleven Mile and Woodward proposed in the Regional Transit Authority Mobility-Oriented Development Study of the Woodward. The City of Berkley’s Master Plan references that report as well and supports its implementation.
- Streetscape improvements, façade improvements and infill development are recommendations in the Woodward Avenue Corridor Plan proposed in the report. These recommendations are compatible with Berkley’s vision for its portion of the Woodward Corridor.

Coolidge Highway

- On the Future Land Use Map, the Coolidge Highway Corridor is also noted as “Enhance Corridor.”
- The Coolidge Highway Corridor Plan in the report proposes streetscape improvements and access management that fit with Berkley’s vision for Coolidge within its boundaries. The infill development opportunities noted in the report are south of the border with Berkley.

Thank you.

Cc: Berkley Planning Commission
    Berkley City Council
    Matt Baumgarten, City Manager
    John Staran, City Attorney